



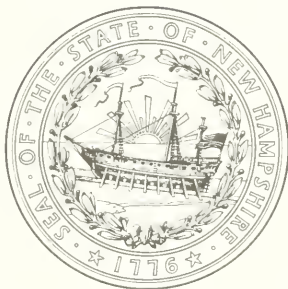








# NEW HAMPSHIRE GENERAL COURT



## JOURNAL of the HOUSE OF REPRESENTATIVES

1987 Session

December 3, 1986

through

May 28, 1987

W. DOUGLAS SCAMMAN, JR.  
SPEAKER

CARL A. PETERSON  
CLERK



## EXPLANATORY NOTE

In this Journal an (A) will sometimes be found after the title of a bill reported out of the Appropriations Committee. The (A) means that the bill was amended by the committee to which it was originally referred before being sent to the Appropriations Committee under House Rule 45. Under House Rule 44(a) and Joint Rule 6(e)-(g), many bills were re-referred to committee. These bills will be acted on within the first five legislative days of the second-year session. The Journal for 1988 will show final action on all of these bills.

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# HOUSE JOURNAL 1

*Wednesday, 3Dec86*

The House assembled at 1:30 p.m.

On the first Wednesday in December in the year of our Lord, One thousand nine hundred and eighty-six, being the day designated by the Constitution for assembling of that body, the one hundred and fifty-first General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The representatives-elect were called to order by Carl A. Peterson, House Clerk for the preceding session.

Prayer was offered by Rev. Andrew Gilman, pastor of the First Congregational Church in Meredith.

Lord God, the source of mercies in every time, the foundation of all-worthy government, we thank You for Your many blessings to us throughout our history. Accept our gratitude, as we praise Your name for the security of our lives, the freedoms we enjoy, and our political process in which opinions can be expressed, differences resolved, and the needs of the people voiced.

We remember before You, O God, those who are elected to exercise authority among us. Grant them humility and courage as they seek to fulfill their responsibilities. Undergird their integrity and sense of fairness. Help them to work to promote the common good.

Dear Lord, we ask Your blessing on the work of this session. Move in this gathering so that in the midst of much intelligence, Your wisdom may be seen; so that in the noise of many discussions, Your word may be heard; so that in the arena of competing opportunities, Your path may be followed.

And help us all, as we seek to be responsible citizens.

We ask this for the honor of Your Holy Name. Amen.

Rep.-elect Michael Carpenito of Salem led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps.-elect Romoli, Lown and George Gordon, the day, illness.

## CALL OF THE ROLL

### BELKNAP COUNTY

Dist. No. 1 Steven R. Maviglio, d  
 Dist. No. 2 Barbara B. Bowler, r  
 Dist. No. 3 Kenneth A. Randall, r  
 Dist. No. 4 Russell M. Brown, r; Earle D. Hardy, r  
 Dist. No. 5 Richard H. Campbell, Jr., r; Robert S. Hawkins, r; Ralph W. Pearson, r; Raymond C. Wixson, r

- Dist. No. 6 Milton G. Jensen, r; Matthew J. Locke, r; Paul A. Golden, r
- Dist. No. 8 Dean Dexter, r
- Dist. No. 9 A. Donald Thurston, r
- Dist. No. 10 Dennis R. Bolduc, r; Lawrence Richardson, d
- Dist. No. 11 Robert H. Turner, r&d
- Dist. No. 12 Malcolm W. Harrington, r
- Dist. No. 13 Robert G. Holbrook, r

## CARROLL COUNTY

- Dist. No. 1 Gene G. Chandler, r
- Dist. No. 2 Nanci A. Allard, r; Howard C. Dickinson, Jr., r; William J. Hounsell, r
- Dist. No. 3 Robert B. Holmes, Jr., r
- Dist. No. 4 Frank E. McIntire, r; Jack H. Schofield, r
- Dist. No. 5 Gerard E. Powers, Jr., r; Howard N. Saunders, r
- Dist. No. 6 Russell C. Chase, r; Kenneth J. MacDonald, r
- Dist. No. 7 J. Lisbeth Olimpio, r

## CHESHIRE COUNTY

- Dist. No. 1 Jeffrey C. Miller, r; David A. Young, r
- Dist. No. 2 Richard J. Daschbach, d&r; Jo Ann T. Morse, r
- Dist. No. 3 Eugene W. Clark, r&d; Kenneth A. Cole, d; Robert F. Delano, r
- Dist. No. 4 Daniel A. Eaton, d&r
- Dist. No. 5 Irvin H. Gordon, r&d; William A. Riley, d&r
- Dist. No. 6 Richard A. Grodin, r; Alfred P. Sawyer, r&d
- Dist. No. 7 William R. Matson, d&r
- Dist. No. 8 Jesse F. Davis, r
- Dist. No. 9 John B. Hunt, r&d
- Dist. No. 10 David M. Perry, r; Margaret A. Ramsay, d
- Dist. No. 11 Ralph Parker, r
- Dist. No. 12 Paul G. Blacketor, d&r
- Dist. No. 13 Susan Schwartz, d
- Dist. No. 14 William Arnott, III, r
- Dist. No. 15 Frederick T. Frink, d
- Dist. No. 16 David M. LaMar, d&r
- Dist. No. 17 Douglas A. Corrigan, d; Richard F. Doucette, d&r; Katherine D. Foster, d&r; David A. Pierce, r

## COOS COUNTY

- Dist. No. 1 Beaton Marsh, r&d; Linwood N. Purrington, Jr., r
- Dist. No. 2 Frederic A. Foss, r
- Dist. No. 3 Josephine Mayhew, d
- Dist. No. 4 Lynn C. Horton, r&d
- Dist. No. 5 Harold W. Burns, r
- Dist. No. 6 Thomas M. Brady, r
- Dist. No. 7 Lawrence J. Guay, d&r; Otto H. Oleson, d&r
- Dist. No. 8 Catherine V. Brungot, r; Yvonne Coulombe, d&r; Dennis J. Kilbride, d; George Lemire, d&r; Harold D. Nelson, d; Romeo J. Theriault, d

## GRAFTON COUNTY

- Dist. No. 1 Rita C. McAvoy, r; Kathleen W. Ward, r; Henry F. Whitcomb, Jr., r
- Dist. No. 2 Philip H. Weymouth, r&d
- Dist. No. 3 Edward Densmore, d&r



- Dist. No. 4 Roger Stewart, r
- Dist. No. 5 Paul I. LaMott, r; Ezra B. Mann, II, r
- Dist. No. 6 Wayne D. King, d&r; George S. Lougee, r
- Dist. No. 7 Deborah L. Arnesen, d
- Dist. No. 8 Richardson Blair, r; Robert W. Dearborn, r; William J. Driscoll, r
- Dist. No. 9 Edward J. Bennett, r&d
- Dist. No. 10 Bruce C. Rounds, r&d
- Dist. No. 11 C. Dana Christy, r&d; John B. Hammond, r; David M. Scanlan, r&d
- Dist. No. 12 Mary P. Chambers, d; Marion L. Copenhagen, d; Stephen A. Crystal, d; Michael B. King, d
- Dist. No. 13 Carl S. Adams, r; Pamela B. Bean, r; Howard C. Townsend, r; Karen O. Wadsworth, r; Lorine Walter, r

## HILLSBOROUGH COUNTY

- Dist. No. 1 Irene Birch Cid, r; Joseph M. Eaton, r
- Dist. No. 2 Howard S. Humphrey, Sr., r
- Dist. No. 3 Neal M. Kurk, r&d
- Dist. No. 4 Roland A. Sallada, r
- Dist. No. 5 Elizabeth A. Moore, r&d
- Dist. No. 6 Ruth E. Gage, d; Donna C. Kelly, d; Alice Tirrell Knight, r; Karen McRae, r; Leslie C. Nixon, r
- Dist. No. 7 Charles F. Bass, r; Robert H. Grip, r; Marian R. Harrington, r
- Dist. No. 8 Paul L. Drolet, r; Howard F. Mason, r
- Dist. No. 9 Garret P. Cowenhoven, r&d; Carol H. Holden, r&d; Nancy Tarpley, r&d
- Dist. No. 10 Lester R. Perham, r&d; Bartolo V. Prestipino, r&d; Emma B. Wheeler, r; Kenneth T. Wheeler, Sr., r
- Dist. No. 11 Dorothy C. Bowers, r; A. Leslie Burns, r&d; Mary J. Shriver, r&d; Richard C. Stonner, r
- Dist. No. 12 Ellen-Ann Robinson, r
- Dist. No. 13 Frederick G. Ahrens, r; Dennis H. Fields, r; Nancy G. Frank, d; Guy R. Granger, Jr., r; Robert N. Kelley, r; Geraldine G. Watson, r
- Dist. No. 14 Ellen C. Dube, d
- Dist. No. 15 Bonnie B. Packard, r
- Dist. No. 16 Betty B. Hall, d
- Dist. No. 17 Clyde S. Eaton, r&d
- Dist. No. 18 Gladys M. Cox, r; Eliot B. Ware, Jr., r
- Dist. No. 19 David J. Alukonis, r; George H. Baker, Sr., d; Lionel R. Boucher, r; Doris R. Ducharme, r; G. Philip Rodgers, r; Joan A. Wagner, d
- Dist. No. 20 Ralph S. Boutwell, r&d; Michael E. Jones, r&d; Herbert D. Richardson, Jr., r
- Dist. No. 21 Leonard A. Smith, r&d
- Dist. No. 22 Barbara J. Baldizar, d; Ronald F. Lanzara, r; Thomas P. Magee, r
- Dist. No. 23 William H. Hatch, r; Kevin T. Mulligan, d; Stanley R. Vanderlosk, r
- Dist. No. 24 Robert A. Daigle, d; Nancy M. Ford, r; Lionel Guilbert, d
- Dist. No. 25 David E. Cote, d; Linda D. Long, d; Donnalee M. Lozeau, r
- Dist. No. 26 Ann M. Derosier, d; Francis X. Donovan, d; Chris Jacobson, d&r
- Dist. No. 27 Lucille T. Wood, r
- Dist. No. 28 Dolores R. Price, d; Cecelia L. Winn, d; Peter J. Zis, d
- Dist. No. 29 Gabrielle V. Gagnon, d; Roland J. Lefebvre, d; Margaret L. McGlynn, d
- Dist. No. 30 Wilfrid A. Boisvert, d; Maurice J. Levesque, d; Roland A. Morrisette, d

- Dist. No. 31 Edmund M. Keefe, r; Bonnie Lou McCann, d&r; Debora B. Pignatelli, d
- Dist. No. 32 Robert A. Durant, Sr., d
- Dist. No. 33 Barbara E. Arnold, r; Marc A. Chretien, r&d; Lee Anne S. Steiner, r&d
- Dist. No. 34 Richard F. Ahern, d; Catherine A. Schneiderat, r; Walter A. Stiles, r
- Dist. No. 35 Ann J. Bourque, d; Theodore J. Cusson, Sr., d&r; Joanne A. O'Rourke, d
- Dist. No. 36 Scott E. Green, r
- Dist. No. 37 Cornelius J. Keane, d; Toni Pappas, r; Judy E. Reardon, d
- Dist. No. 38 Daniel J. Healy, d; Chris Korcoulis, d; Stanley J. Zajdel, d
- Dist. No. 39 Leona Dykstra, d&r; Lillian E. Soucy, d&r; Mary J. Sullivan, d
- Dist. No. 40 Robert E. Murphy, d
- Dist. No. 41 Patricia R. Dwyer, d; Fernand A. Genest, d; Charles J. Leclerc, d
- Dist. No. 42 Roland O. Beaupre, r; Raymond C. Buckley, II, d; Jacquelyn Domaingue, r
- Dist. No. 43 Peter Burkush, d; William J. Desrosiers, r; Judy L. Pariseau, r
- Dist. No. 44 David L. Gelinias, d
- Dist. No. 45 William G. Dion, d&r; Irene M. Messier, r; Frank J. Reidy, d
- Dist. No. 46 Paul R. Dionne, r&d; Rudolph G. Paquette, d; Roland M. Turgeon, d
- Dist. No. 47 Gerard T. Desrochers, d; Richard G. Dupont, d; Maurice Routhier, d
- Dist. No. 48 Jocelyne D. Champagne, d

## MERRIMACK COUNTY

- Dist. No. 1 Elizabeth S. Bardsley, r&d; James D. Phelps, r
- Dist. No. 2 Alf E. Jacobson, r; William F. Kidder, r; Avis B. Nichols, r
- Dist. No. 3 Nancy C. Beaton, d; Walter K. Robinson, r
- Dist. No. 4 Elizabeth S. Millard, r; Rick A. Trombly, d
- Dist. No. 5 C. William Johnson, r; Mary Ann Lewis, r; Merton L. Mann, Jr., r; Peter M. Stio, r
- Dist. No. 6 Leo W. Fraser, Jr., r; Robert A. Lockwood, r; Frank A. Tupper, d&r
- Dist. No. 7 Eleanor M. Anderson, r; Douglas E. Hall, r&d; Charles B. Yeaton, d
- Dist. No. 8 Leo A. Provencal, d; Monte D. Rehlander, r
- Dist. No. 9 Laurent J. Boucher, r&d; David W. Hess, r&d; Doris J. Riley, r
- Dist. No. 10 Bronwyn Asplund, r&d; Edith Austin, r; James A. Whittemore, r
- Dist. No. 11 Eugene E. Pantzer, r
- Dist. No. 12 Robert M. Gilbreth, r&d
- Dist. No. 13 Mary C. Holmes, r
- Dist. No. 14 Burton W. Knight, II, d
- Dist. No. 15 Paul R. Fillion, r
- Dist. No. 16 Caroline L. Gross, r&d
- Dist. No. 17 Mark E. Manus, r
- Dist. No. 18 Mary Jane Wallner, d
- Dist. No. 19 Edward D. Philbrick, r
- Dist. No. 20 Gerald R. Smith, r
- Dist. No. 21 Stephen N. Cahill, d; James A. Chandler, r; Elizabeth Hager, r; Robert C. Hayes, r; George M. West, r

## ROCKINGHAM COUNTY

- Dist. No. 1 Robert A. Johnson, r
- Dist. No. 2 John L. Sherburne, r
- Dist. No. 3 Russell G. Seward, r
- Dist. No. 4 Roger C. King, r
- Dist. No. 5 Richardson D. Benton, r&d; Harry E. Flanders, r; Henry E. Wells, r&d
- Dist. No. 6 John S. Barnes, Jr., r; John Hoar, Jr., r; Susan M. Joyce, d; Calvin Warburton, r
- Dist. No. 7 Eunice M. Campbell, r; Janet M. Conroy, r; Robert Fesh, r; George N. Katsakiores, r; Phyllis M. Katsakiores, r; Virginia K. Lovejoy, r; Maurice B. MacDonald, r; Benjamin C. Newell, r
- Dist. No. 8 Natalie S. Flanagan, r; Raymond H. Gourdeau, r
- Dist. No. 9 Alfred Elyson, r; Richard L. Haynes, r; Annie Mae Schwaner, r; Peter M. Simon, r
- Dist. No. 10 John W. Flanders, Sr., r; Vincent J. Palumbo, Jr., r; David A. Welch, r
- Dist. No. 11 Gertrude I. Butler, r&d; William F. McCain, r&d
- Dist. No. 12 Patti Blanchette, d; Elizabeth M. Popov, d
- Dist. No. 13 Carl F. Anderson, III, r; Robert R. Blaisdell, r; Thomas U. Gage, r; Harold F. Magoon, r; Arthur Tufts, r
- Dist. No. 14 Robert R. Cushing, Jr., d; Charles H. Felch, Sr., r
- Dist. No. 15 James R. Rosencrantz, d
- Dist. No. 16 Ellen M. Cressy, d
- Dist. No. 17 Beverly A. Hollingworth, d; Kenneth W. Malcolm, r; Ednapearl F. Parr, r; Roberta C. Pevear, r; E. Jane Walker, r
- Dist. No. 18 Herbert R. Drake, r; Elizabeth A. Greene, r; Eugene Ritzo, r; Douglas R. Woodward, r
- Dist. No. 19 W. Douglas Scamman, Jr., r
- Dist. No. 20 Stephen W. Bucu, r; Marilyn R. Campbell, r; Michael H. Carpenito, d; Annette M. Cooke, r; Bert H. Ford, r; Beverly A. Gage, r; Carol Ann Nagel, r; Donna P. Sytek, r; Elmira F. Tilton, d; Elsie Vartanian, r
- Dist. No. 21 Ada L. Mace, r; Patricia M. Skinner, r&d
- Dist. No. 22 Robert J. Scott, Jr., r
- Dist. No. 23 Gordon R. Arnold, r; William P. Boucher, r; Betsy McKinney, r; Rowland Schmidtchen, r; Matthew M. Sochalski, r; David B. Wright, r
- Dist. No. 24 Laura C. Pantelakos, d; Michael R. Weddle, d
- Dist. No. 25 Patricia O. Sanderson, d; John E. Splaine, Sr., d
- Dist. No. 26 MaryAnn N. Blanchard, d&r; Frances M. Gosselin, d
- Dist. No. 27 Charles L. Vaughn, d
- Dist. No. 28 Lawrence A. Chase, Jr., r; Carolyn E. Hynes, d; Joseph A. MacDonald, d; Robin P. Read, Jr., d&r

## STRAFFORD COUNTY

- Dist. No. 1 Timothy Bates, r; Warren L. Swope, r
- Dist. No. 2 Norman R. Proulx, r; Wayne Spear, Jr., r
- Dist. No. 3 Douglas A. Lachance, d; George T. Musler, r
- Dist. No. 4 James C. Chamberlin, r&d; Charles H. Dingle, r&d; W. Kent Martling, r&d; Francis E. Robinson, r&d; Janet G. Wall, d; Robert F. Wilson, r
- Dist. No. 5 Albert J. Dionne, d
- Dist. No. 6 Robert L. Jones, r&d; Paula J. Kinney, r; Alec J. Koromilas, r; Joe B. Parks, r&d; Ann M. Torr, r&d
- Dist. No. 7 Mary E. Bernard, d; Patricia A. Frew, d; William K. Kincaid, d; William H. McCann, Jr., d



- Dist. No. 8 Anita A. Flynn, d&r; Edward J. Flynn, d&r; Roland A. Frechette, d; Martin P. Lussier, d
- Dist. No. 9 James G. Casey, Sr., d
- Dist. No. 10 Patricia H. Foss, r; Robert W. Jean, d&r; Ronald R. Laurion, d&r; Janet R. Pelley, d&r; John B. Young, r
- Dist. No. 11 James E. Appleby, r; Robert J. Callaghan, d; Sandra B. Keans, r; James F. McManus, Jr., d; Ralph W. Torr, r

## SULLIVAN COUNTY

- Dist. No. 1 Merle W. Schotanus, r; Sara M. Townsend, r&d
- Dist. No. 2 Gordon B. Flint, r; Fredrik Peyron, r; Beverly T. Rodeschin, r
- Dist. No. 3 Thomas A. Behrens, r
- Dist. No. 4 Mildred S. Ingram, r
- Dist. No. 5 Irene C. Domini, r; Eric N. Lindblade, r
- Dist. No. 6 Richard H. Krueger, r; Roma A. Spaulding, r
- Dist. No. 7 Robert J. Brodeur, d; Carmine F. D'Amante, d
- Dist. No. 8 Kurt A. Normandin, d&r
- Dist. No. 9 Mable G. Cutting, r

395 members having answered the call of the roll, a quorum was declared present.

Reps.-elect Palumbo and Chambers offered the following:

RESOLVED, that a committee of eight be appointed to wait upon His Excellency the Governor and inform him that a quorum of the House is assembled and requests his attendance.

Adopted.

The Chair appointed Reps.-elect Daniel J. Healy, Charles J. Leclerc, Carmine F. D'Amante, Elizabeth A. Greene, Joseph M. Eaton, Annie Mae Schwaner, Otto H. Oleson and Harold W. Burns.

## RECESS

Governor John Sununu, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilors-elect, Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Earl A. Rinker, III and Bernard A. Streeter, and the above-named ladies and gentlemen, having presented their credentials, were duly qualified by the Governor as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution.

The Governor and the Executive Council retired.

The Chair declared that nominations for Temporary Chairman were in order.

Rep. Scamman nominated Walter Peterson of Peterborough as Temporary Chairman.

Rep. Chambers seconded the nomination.

There being no further nominations the Chair instructed the Assistant to cast one ballot for Walter Peterson.

The Assistant cast one ballot for Walter Peterson as Temporary Chairman and he was declared elected.

Reps. Scamman and Chambers escorted former Governor Walter Peterson into the chamber.

(Honorable Walter Peterson in the Chair)

Governor Peterson addressed the House briefly.

Reps. Chambers and Scamman offered the following:

RESOLVED, that the following ground rules, as agreed to by the candidates for Speaker, be adopted for the election of House officers:

1. Access to the floor is limited to members-elect, nominees and a representative and such other officers and assistants as may be required by the Clerk and Sergeant-at-Arms.

2. Election of candidates is by secret ballot and requires a majority vote of those present and voting. Blanks shall not be considered a vote (Mason's Manual Sec. 516(a) Page 363). There is no elimination of the low candidate after any ballot. All candidates remain in the running unless they withdraw of their own volition.

3. Balloting:

a. Contested elections will be by secret ballot, booths to be available for those who desire. Ballots to be distributed to members only when all are seated. Except for the divisions in the process of voting, all members should remain seated. Tellers to deliver to the Clerk ballots for destruction.

b. Shall continue until an officer is chosen. Recesses, if requested, shall be limited to ten minutes duration unless amended by the body.

c. On each ballot the clerk will have printed, in alphabetical order, the name of each candidate with one blank line for write-in candidates.

4. Nominating and seconding speeches will be limited to 15 minutes for each candidate. No other limitations will apply to these speeches. The order will be alphabetical.

The Clerk read the resolution.  
Adopted.

The Chair declared that nominations for Speaker were in order.

Rep. Judy Reardon placed the name of Rep. Mary P. Chambers in nomination for Speaker.

Reps. Edward Densmore and Chris Jacobson seconded the nomination.

Rep. Elizabeth A. Greene placed the name of Rep. W. Douglas Scamman in nomination for Speaker.

Reps. Harold W. Burns and Sara M. Townsend seconded the nomination.

There being no further nominations the Chair declared nominations closed and polls open for balloting.

RECESS

The Chair declared the polls closed and appointed tellers representing the candidates, Reps. Reardon, Densmore, Chris Jacobson, Phelps, Rodeschin and Hammond, to tally the vote.

RECESS

130 members having voted for Rep. Chambers, 1 member having voted for Rep. Kidder, 3 members having voted for Rep. Rounds and 261 members having

voted for Rep. Scamman, the Chair declared Rep. Scamman duly-elected Speaker of the House.

Rep. Chambers moved that the vote for Rep. Scamman be made unanimous and spoke to her motion.  
Adopted.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 10

honoring House Speaker, W. Douglas Scamman, Jr., and  
former House Speaker, W. Douglas Scamman, Sr.

WHEREAS, in the small New Hampshire town of Stratham can be found in residence the many members of the "Family Scamman," each of them cut from the strain of fine Yankee stock that since Colonial times has produced countless numbers of the State's hardest workers, capable leaders and the most loyal of her native sons, and

WHEREAS, being a solid citizen who cares deeply for his State, W. Douglas Scamman, Sr., in 1943 began the first of his seven terms as an esteemed member of the House of Representatives, having served faithfully as Speaker and as Chairman of the Standing Committee on Appropriations, and

WHEREAS, being a solid citizen who cares deeply for his State, W. Douglas Scamman, Jr., in 1969 was first elected to the New Hampshire House and for the next seventeen consecutive years served with fidelity as Vice Chairman of Appropriations and Environment and Agriculture; and as Chairman of Ways and Means, and Children, Youth and Elderly Affairs, and

WHEREAS, on this day, December 3, 1986, after having won in the November General Election a Representative's seat for the tenth consecutive term, W. Douglas Scamman, Jr. was elected Speaker of the House, carrying on the proud tradition of the "Family Scamman," now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the incoming Speaker, W. Douglas Scamman, Jr., and his father, former Speaker W. Douglas Scamman, Sr., be recognized for their outstanding legislative records and their contributions to the State of New Hampshire, and be it further

RESOLVED, that son and father be saluted for the fine tradition they have created, and that a suitable copy of this Resolution be prepared for presentation to each of them.

Adopted unanimously.

(Speaker in the Chair)

The Speaker addressed the House briefly.

I believe it is a great honor to be elected a member of the New Hampshire House of Representatives, the most representative Legislature in the world.

By the same token, it is a humbling experience as well as a great honor to me to be chosen by you to lead this body. I pledge that I will do everything in my power to prove to each of you that your trust in me is not misplaced.

During my campaign for Speaker, I addressed two issues that I want to re-emphasize today. 1. Openness and communication. 2. Strengthen Committees, Secretarial help and Committee Research.

As I said during my campaign, there will be a substantial recess in Legislative activity in January. The Legislature will not meet the weeks of Monday, January 12, and Monday, January 19. Committee work will begin January 27. Thank you.



The Speaker introduced his wife, Stella, children, Kim and Bruce and his mother and father, Greta and W. Douglas Scamman, Sr.

The Speaker made the following appointments:

Minority Leader - Rep. Mary P. Chambers  
Deputy House Speaker - Rep. Harold W. Burns  
Majority Leader - Rep. Vincent J. Palumbo  
Majority Whip - Rep. Beverly A. Gage

The Speaker declared nominations were in order for House Clerk, Assistant Clerk and Sergeant-at-Arms.

Rep. Matthew M. Sochalski placed the name of Carl A. Peterson of Londonderry in nomination for Clerk of the House.

Rep. Patricia A. Skinner seconded the nomination.

Rep. Leo W. Fraser placed the name of Leo J. Callahan of Concord in nomination for Assistant Clerk.

Rep. Beverly T. Rodeschin seconded the nomination.

Rep. Timothy Bates placed the name of Warren W. Leary of Alton in nomination for Sergeant-at-Arms.

Rep. Ednapearl F. Parr seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for the nominees.

The Chair declared Mr. Peterson elected House Clerk; Mr. Callahan elected Assistant Clerk and Mr. Leary elected Sergeant-at-Arms.

The Chair administered the oath of office to Mr. Peterson, Mr. Callahan and Mr. Leary.

#### SENATE MESSAGE

The Senate has voted to organize the 1987-88 Session by electing the following officers:

President - Sen. William S. Bartlett  
Clerk - Wilmont S. White  
Assistant Clerk - Gloria M. Randlett  
Sergeant-at-Arms - David Dow

#### SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of electing a Secretary of State and State Treasurer.

Rep. Palumbo offered the following:

RESOLVED, that the House inform the Honorable Senate that it has organized and is ready to meet with the Senate in Joint Convention for the purpose of electing a Secretary of State and State Treasurer.

Adopted.

#### RECESS

#### JOINT CONVENTION (Speaker presiding)

The Chair declared nominations were in order for Secretary of State.

Rep. Daniel J. Healy placed the name of William M. Gardner in nomination for Secretary of State.

Rep. Russell C. Chase and Sen. Ralph Degnan Hough seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mr. Gardner.

The Chair declared William M. Gardner duly-elected Secretary of State.

Mr. Gardner addressed the House briefly.

The Chair declared nominations were in order for State Treasurer.

Rep. Howard C. Dickinson placed the name of Georgie A. Thomas in nomination for State Treasurer.

Sen. Jean T. White seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Ms. Thomas.

The Chair declared Georgie A. Thomas duly-elected State Treasurer.

Ms. Thomas addressed the House briefly.

The Chair administered the oath of office to Mr. Gardner and Ms. Thomas.

On the motion of Sen. Dupont and Rep. Palumbo, the Joint Convention arose.

HOUSE  
(Speaker in the Chair)

Reps. Burns and Chambers offered the following:

HOUSE RESOLUTION NO. 1

RESOLVED, that the House adopt the rules of the 1986 Session, with amendments relating to date changes and House Rule 32(s), with the provision that other amendments may be adopted by majority vote through a date in January to be decided on January 7, 1987.

Amendment

Amend the House Rules by inserting in place thereof, where appropriate, the following date changes:

January 8, 1987 (Thursday)	Deadline for filing drafting requests with complete information to Legislative Services on all bills (Rule 38 and 46(a))
January 29, 1987 (Thursday)	Last day to sign off all money bills (Rule 46(b)(1))
February 5, 1987 (Thursday)	Last day to introduce all money bills (Rule 46(b)(1))
February 5, 1987 (Thursday)	Last day to sign off all non-money bills (Rule 46(b)(2))
February 12, 1987 (Thursday)	Last day to introduce all non-money bills (Rule 46(b)(2))

February 26, 1987 (Thursday) Last day for Policy Committees to report all money bills (Rule 58)

March 12, 1987 (Thursday) Last day to report non-money bills (Rule 58)

March 19, 1987 (Thursday) Last day to act on non-money bills (1st body)

March 19, 1987 (Thursday) Last day to report money bills out of Appropriations (Legislative Specials)

March 26, 1987 (Thursday) Last day to act on money bills (Rule 59)

April 2, 1987 (Thursday) Last day for Appropriations to report Operating Budget and Capital Budget bills (Rule 32 A(a))

April 7, 1987 (Tuesday) House Budget Briefing on House version of Budget(Rule 46(d)(1))

April 9, 1987 (Thursday) Last day to act on Operating and Capital Budget bills (1st body)

#### Amendment

Amend House Rule 32 by deleting section (s) and inserting in place thereof the following:

(s) It shall be the duty of the COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY to consider all matters pertaining to the application of technological advances to the legislative process and the operation of state government; to coordinate the flow of information about technical and scientific matters among state and federal agencies and legislative committees; to monitor legislation referred to other committees in order to make suggestions for inclusion of technological improvements where warranted; TO CONSIDER ALL MATTERS CONCERNING ENERGY IN A COMPREHENSIVE AND COORDINATED MANNER; and such other matters as may be referred to it. Adopted.

Reps. Irvin Gordon and Matson offered the following:

#### HOUSE RESOLUTION NO. 2

RESOLVED, that the Speaker appoint a committee of three to assign seats to the members. Adopted.

The Chair appointed Reps. Phelps, Chairman, Maurice MacDonald and Matson.

Reps. Grodin and Densmore offered the following:

#### HOUSE RESOLUTION NO. 3

RESOLVED, that a committee of ten members, one from each county, be appointed by the Speaker to select some suitable person to act as Chaplain during the present session of the legislature and report such selection to the House for consideration. Adopted.

The Chair appointed Reps. Hardy, McIntire, Perry, Mayhew, Arnesen, Sullivan, Millard, Warburton, Parks and Lindblade.

Reps. Brungot and Michael King offered the following:

HOUSE RESOLUTION NO. 4

RESOLVED, that all action taken at all sessions of the House of Representatives be recorded through the public address system on tape, said tapes to be used by the House and the Clerk, within three legislative days, to confirm and correct the permanent Journal. The permanent Journal as thus prepared by the Clerk, as corrected by the House shall be the official record of the House, and be it further

RESOLVED, that the Committee on the Journal be authorized to examine the permanent Journal of the last day of the session, as prepared by the Clerk, and make corrections of the same.

Adopted.

Reps. Sallada and Winn offered the following:

HOUSE RESOLUTION NO. 5

RESOLVED, that the Clerk, with the approval of the Speaker, may employ such stenographic and other clerical assistance as he may deem necessary. (RSA 17-E:5)

Adopted.

Reps. Woods and Copenhaver offered the following:

HOUSE RESOLUTION NO. 6

RESOLVED, that the Sergeant-at-Arms, with the approval of the Speaker, may employ such personnel as he deems necessary; that the Speaker of the House be authorized to employ such other personnel as he deems necessary, and with the approval of the House Subcommittee of the Committee on Legislative Facilities, fix their compensation. (RSA 17-E:5)

Adopted.

Reps. Rodeschin and Arnesen offered the following:

HOUSE RESOLUTION NO. 7

RESOLVED, that the following policy be established for the distribution of House Journals, bills and joint resolutions to legislative agents, corporations and other persons, except the members of the General Court and state departments:

1. Every citizen is entitled to one copy of any publication free of charge at the legislative counter or to have the same mailed to him free of charge upon individual request for such one copy.

2. Persons requesting copies of all publications delivered complete for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be prorated where service is received for portions of the session only. All fees are payable in advance. The subscriber list may be submitted for legislative accounting and auditing purposes, but is not for publication or sale.

3. All fees charged hereunder shall be fixed by the Sergeant-at-Arms with the approval of the Speaker and shall be collected by the Sergeant-at-Arms and paid into the State Treasury and credited to the legislative appropriation.

Adopted.

Reps. Rodgers and Durant offered the following:

## HOUSE RESOLUTION NO. 8

RESOLVED, by the House of Representatives, that the Speaker after consultation with the minority leader, may cancel a scheduled meeting of the House in the event of a severe snowstorm which would make it dangerous, in his opinion, for members to come to Concord for the session, provided he makes notification of such cancellation through the procedures set forth by the emergency committee recommendations which were developed in the 1969 session. In case of such cancellation the House shall meet on the following legislative day. Any member who travels to Concord or who is already in Concord on legislative business on any day that a meeting of the House is cancelled, which is under the authority of this resolution, shall be entitled to legislative mileage for such attendance on legislative business.

Adopted.

Reps. Emma Wheeler and O'Rourke offered the following:

## HOUSE RESOLUTION NO. 9

RESOLVED, that members will be paid their Legislative salary as provided in the Constitution in the month of January, 1987, and be it further

RESOLVED, that mileage of members of the House of Representatives be paid every two weeks during the session.

Adopted.

## INTRODUCTION OF GUESTS

Students from the Salem High School, guests of Rep. Cooke; Jan Wright and Bob McAdams, wife and guest of Rep. Wright; Chad Derosier, son of Rep. Derosier; Mr. Akio Minigawa from Tokyo, Japan and Mrs. Jack Schofield, guests of Rep. Schofield.

Rep. Scamman, for the entire membership, offered the following:

## HOUSE RESOLUTION NO. 11

memorializing former State Representative Roderick T. Allen.

WHEREAS, we have learned with great sorrow of the death of former State Representative Roderick T. Allen, who for five consecutive terms, beginning in 1973, served as an honorable and esteemed member of the New Hampshire House, and

WHEREAS, during his tenure as a servant of the people of District Five of Carroll County, Roderick T. Allen distinguished himself as a hard-working, diligent member of the Standing Committees on Executive Departments and Administration; Labor, Human Resources and Rehabilitation; and Statutory Revision, and

WHEREAS, having been an energetic leader and dedicated legislator, Roderick T. Allen, was respected for his abilities to research legislation and his understanding of legislative rules, and

WHEREAS, having been a civic-minded citizen, Roderick T. Allen, in the last General Election, had been elected to the post of Carroll County Treasurer, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Roderick T. Allen be recognized and saluted for his outstanding legislative record and his service to New Hampshire, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and that a copy of this Resolution be prepared for presentation to his family.

Adopted unanimously.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills only, and when the House adjourns, it be to meet Wednesday, January 7th, 1987 at 1:00 p.m.

Adopted.

The House recessed at 4:28 p.m.

#### RECESS

(Out of Recess)  
(Speaker in the Chair)

Rep. Palumbo moved that the House adjourn.  
Adopted.

#### STANDING COMMITTEES OF THE HOUSE

##### APPROPRIATIONS Room 100, State House

###### REPUBLICANS

William F. Kidder, Chm.  
Elizabeth Hager, V. Chm.  
Howard C. Townsend  
Paul I. LaMott  
Laurent J. Boucher  
Russell C. Chase  
Caroline L. Gross  
Jeffrey C. Miller  
Lee Anne S. Steiner  
Robert G. Holbrook  
Roma A. Spaulding  
Robert A. Johnson  
Philip H. Weymouth  
John B. Hammond  
Donna P. Sytek  
Ellen-Ann Robinson

###### DEMOCRATS

Margaret A. Ramsay  
Michael B. King  
William R. Matson  
Joanne A. O'Rourke  
Patricia O. Sanderson  
Otto H. Oleson  
Peter J. Zis

##### CHILDREN, YOUTH AND ELDERLY AFFAIRS Room 206, Legislative Office Building

###### REPUBLICANS

Robert L. Jones, Chm.  
Emma B. Wheeler, V. Chm.  
Virginia K. Lovejoy  
Pamela B. Bean  
Joe B. Parks  
Irene C. Domini  
Cynthia W. McKee  
Monte D. Rehlander  
Dorothy C. Bowers  
Annette M. Cooke  
Robert A. Lockwood  
George S. Lougee  
Herbert D. Richardson, Jr.  
Raymond C. Wixson

###### DEMOCRATS

Mary Jane Wallner  
Jocelyne D. Champagne  
Frederick T. Frink  
Josephine Mayhew  
Ann J. Bourque  
Debora B. Pignatelli  
Carolyn E. Hynes

COMMERCE, SMALL BUSINESS AND CONSUMER AFFAIRS  
Room 207, Legislative Office Building

## REPUBLICANS

Leo W. Fraser, Jr., Chm.  
C. Dana Christy, V. Chm.  
G. Philip Rodgers  
A. Leslie Burns  
Lucille T. Wood  
Bonnie B. Packard  
Patricia H. Foss  
Eric N. Lindblade  
Eugene E. Pantzer  
Sara M. Townsend  
Geraldine G. Watson  
Paul R. Dionne  
Paul L. Drolet  
Richard H. Krueger

## DEMOCRATS

David L. Gelinas  
George H. Baker, Sr.  
Raymond C. Buckley, II  
Dolores R. Price  
Michael H. Carpenito  
Leo A. Provencal  
Cornelius J. Keane  
Lawrence J. Guay

CONSTITUTIONAL AND STATUTORY REVISION  
Room 210, Legislative Office Building

## REPUBLICANS

Joseph M. Eaton, Chm.  
Natalie S. Flanagan, V. Chm.  
Roger Stewart  
Benjamin C. Newell  
Matthew J. Locke  
George E. Gordon, III  
Carol H. Holden  
Charles F. Bass  
Gerard E. Powers, Jr.  
Elsie Vartanian  
Eunice M. Campbell  
David A. Pierce

## DEMOCRATS

Edward Densmore  
Ellen C. Dube  
Betty B. Hall  
Charles J. Leclerc  
Ellen M. Cressy  
Cynthia A. McGovern

EDUCATION  
Room 202, Legislative Office Building

## REPUBLICANS

Arthur Tufts, Chm.  
William J. Hounsell, V. Chm.  
E. Jane Walker  
Edmund M. Keefe  
Jesse F. Davis  
Howard F. Mason  
Walter K. Robinson  
Karen O. Wadsworth  
Dennis R. Bolduc  
Patricia M. Skinner  
Mable G. Cutting  
Jacquelyn Domaingue  
Norman R. Proulx  
Linwood N. Purrington, Jr.

## DEMOCRATS

William A. Riley  
Cecelia L. Winn  
Donna C. Kelly  
Linda D. Long  
Janet G. Wall  
Charles B. Yeaton



ENVIRONMENT AND AGRICULTURE  
Room 303, Legislative Office Building

## REPUBLICANS

Elizabeth A. Greene, Chm.  
Marilyn R. Campbell, V. Chm.  
Barbara B. Bowler  
Roberta C. Pevear  
Ralph W. Torr  
Harry E. Flanders  
John L. Sherburne  
Elizabeth S. Millard  
Malcolm W. Harrington  
Merle W. Schotanus  
J. Lisbeth Olimpio  
Robert B. Holmes, Jr.  
Richardson Blair  
Alfred P. Sawyer  
Nancy Tarpley

## DEMOCRATS

Elizabeth M. Popov  
Rick A. Trombly  
Fernand A. Genest  
Robert A. Daigle  
Frank A. Tupper  
Bonnie L. McCann

EXECUTIVE DEPARTMENTS AND ADMINISTRATION  
Room 302, Legislative Office Building

## REPUBLICANS

Robert S. Hawkins, Chm.  
William F. McCain, V. Chm.  
Ada L. Mace  
Nancy M. Ford  
Edward J. Bennett  
Richard H. Campbell, Jr.  
Bartolo V. Prestipeno  
Ann M. Torr  
Scott E. Green  
Phyllis M. Katsakiores  
Kenneth J. MacDonald  
Paul R. Fillion  
Catherine A. Schneiderat  
David B. Wright

## DEMOCRATS

Wayne D. King  
James R. Rosencrantz  
Janet R. Pelley  
David M. LaMar  
Lawrence Richardson  
Theodore J. Cusson, Sr.  
Douglas A. Lachance

FISH AND GAME  
Room 307, Legislative Office Building

## REPUBLICANS

Bruce C. Rounds, Chm.  
Doris J. Riley, V. Chm.  
Lester R. Perham  
Gerald R. Smith  
Charles H. Felch, Sr.  
Bert H. Ford  
Milton G. Jensen  
Harold F. Magoon  
David M. Scanlan  
William P. Boucher  
Irene M. Messier  
Jack H. Schofield  
Herbert R. Drake  
Paula J. Kinney

## DEMOCRATS

Laura C. Pantelakos  
Albert J. Dionne  
Robert J. Brodeur  
Romeo J. Theriault  
Anita A. Flynn  
Douglas A. Corrigan  
Roland J. Lefebvre

HEALTH AND HUMAN SERVICES  
Room 205, Legislative Office Building

## REPUBLICANS

Matthew M. Sochalski, Chm.  
Gertrude I. Butler, V. Chm.  
James E. Appleby  
Alice Tirrell Knight  
Mary C. Holmes  
Gladys M. Cox  
Robert M. Gilbreth  
Lawrence A. Chase, Jr.  
Timothy Bates  
Toni Pappas  
Bronwyn Asplund  
Edith Austin  
Guy R. Granger, Jr.  
Robert F. Wilson

## DEMOCRATS

Marion L. Copenhaver  
Mary J. Sullivan  
Joan A. Wagner  
Katherine D. Foster  
Nancy G. Frank  
Ann M. Derosier  
Elmira F. Tilton

JUDICIARY  
Room 208, Legislative Office Building

## REPUBLICANS

Alf E. Jacobson, Chm.  
Thomas U. Gage, V. Chm.  
Francis E. Robinson  
Michael E. Jones  
Marc A. Chretien  
C. William Johnson  
Elizabeth D. Lown  
DonnaLee M. Lozeau  
Richard C. Stonner  
James A. Chandler  
Dean Dexter  
Elizabeth A. Moore  
David W. Hess  
Alec J. Koromilas

## DEMOCRATS

Beverly A. Hollingworth  
Daniel J. Healy  
Daniel A. Eaton  
David E. Cote  
Stephen N. Cahill  
Patricia R. Dwyer  
Robert E. Murphy

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES  
Room 306, Legislative Office Building

## REPUBLICANS

Avis B. Nichols, Chm.  
Maurice B. MacDonald, V. Chm.  
Calvin Warburton  
Merino Romoli, Jr.  
Roland O. Beaupre  
Stanley R. Vanderlosk  
Harry E. Wells  
Gerard E. Powers, Jr.  
Mark E. Manus  
Leslie C. Nixon  
Robert H. Turner

## DEMOCRATS

Patti Blanchette  
John E. Splaine, Sr.  
Margaret L. McGlynn  
Frank J. Reidy  
Stanley J. Zajdel  
Yvonne Coulombe  
Robert R. Cushing, Jr.

LEGISLATIVE ADMINISTRATION  
Room 300, State House

## REPUBLICANS

Robert N. Kelley, Chm.  
Lynn C. Horton, V. Chm.  
Harold W. Burns  
Vincent J. Palumbo, Jr.  
Beverly A. Gage  
Elizabeth Hager  
Richardson D. Benton  
Laurent J. Boucher, Clerk  
Natalie S. Flanagan  
Irvin H. Gordon  
Mary Ann Lewis  
E. Jane Walker  
Emma B. Wheeler  
Lucille T. Wood

## DEMOCRATS

Ann J. Bourque  
Daniel J. Healy  
Romeo J. Theriault  
Edward Densmore  
Chris Jacobson  
Raymond C. Buckley, II  
Robert A. Durant, Sr.

## LEGISLATIVE ADMINISTRATION SUBCOMMITTEES

## ELECTIONS

Vincent J. Palumbo, Jr., Chm.	Daniel J. Healy
Lynn C. Horton	Romeo J. Theriault

## ENROLLED BILLS

Elizabeth Hager, Chm.	Raymond C. Buckley, II
Natalie S. Flanagan	
Mary Ann Lewis	

## JOURNAL

Richardson D. Benton, Chm.	Ann J. Bourque
E. Jane Walker	

## MILEAGE AND ELECTRONIC ROLL CALL

Beverly A. Gage, Chm.	Robert A. Durant
Robert N. Kelley	
Irvin H. Gordon	
Lucille T. Wood	

## RESOLUTIONS AND SCREENING

Harold W. Burns, Chm.	Edward Densmore
Beverly A. Gage	Chris Jacobson
Emma B. Wheeler	

MUNICIPAL AND COUNTY GOVERNMENT  
Room 211, Legislative Office Building

## REPUBLICANS

Ezra B. Mann, II, Chm.  
Richard A. Grodin, V. Chm.  
Roger C. King  
David M. Perry  
Paul A. Golden

## DEMOCRATS

Kurt A. Normandin  
Leona Dykstra  
Lillian E. Soucy  
Chris Korcoulis  
Ruth E. Gage

## MUNICIPAL AND COUNTY GOVERNMENT (cont.)

Frank E. McIntire  
 JoAnn T. Morse  
 Catherine V. Brungot  
 George M. West  
 Lionel R. Boucher  
 Carl S. Adams  
 John S. Barnes, Jr.  
 Eugene W. Clark  
 Thomas P. Magee

Lionel Guilbert  
 Barbara J. Baldizar

PUBLIC PROTECTION AND VETERANS AFFAIRS  
 Room 305, Legislative Office Building

## REPUBLICANS

Richardson D. Benton, Chm.  
 George T. Musler, V. Chm.  
 David A. Welch  
 Alfred Ellyson  
 Dennis H. Fields  
 David A. Young  
 Nanci A. Allard  
 Carl F. Anderson, III  
 Eleanor M. Anderson  
 Merton L. Mann, Jr.  
 Edward D. Philbrick  
 Russell G. Seward

## DEMOCRATS

Edward J. Flynn  
 Rudolph G. Paquette  
 Roland A. Morrisette  
 Gerard T. Desrochers  
 Maurice Routhier

PUBLIC WORKS  
 Room 201, Legislative Office Building

## REPUBLICANS

Ralph W. Pearson, Chm.  
 Beaton Marsh, V. Chm.  
 James C. Chamberlin  
 Peter M. Stio  
 William J. Driscoll  
 Gene G. Chandler  
 Sandra B. Keans  
 Warren L. Swope  
 Rowland Schmidtchen  
 Kenneth T. Wheeler, Sr.  
 David J. Alukonis  
 W. Kent Martling  
 Frederik Peyron  
 Eugene Ritzo

## DEMOCRATS

William K. Kincaid  
 Maurice J. Levesque  
 Robert J. Callaghan  
 Dennis J. Kilbride  
 Peter Burkush  
 James F. McManus, Jr.  
 Chris Jacobson

REGULATED REVENUES  
 Room 308, Legislative Office Building

## REPUBLICANS

James D. Phelps, Chm.  
 Peter Simon, V. Chm.  
 Lynn C. Horton  
 Robert N. Kelley  
 Howard S. Humphrey, Sr.

## DEMOCRATS

Carmine F. D'Amante  
 Mary E. Bernard  
 William G. Dion  
 Gabrielle V. Gagnon  
 Ronald R. Laurion

## REGULATED REVENUES (cont.)

Clyde S. Eaton	Martin P. Lussier
Robert R. Blaisdell	George Lemire
Robert F. Delano	
Betsy McKinney	
Gordon R. Arnold	
Thomas A. Behrens	
Stephen W. Buco	
William J. Desrosiers	
Robert Fesh	

RESOURCES, RECREATION AND DEVELOPMENT  
Room 301, Legislative Office Building

## REPUBLICANS

## DEMOCRATS

Howard C. Dickinson, Jr., Chm.	MaryAnn N. Blanchard
Charles H. Dingle, V. Chm.	Charles L. Vaughn
Annie Mae Schwaner	Susan M. Joyce
Mary Ann Lewis	Nancy C. Beaton
Elizabeth S. Bardsley	Kenneth A. Cole
Douglas R. Woodward	Steven R. Maviglio
James A. Whittemore	William H. McCann, Jr.
Janet M. Conroy	
Wayne Spear, Jr.	
Earle D. Hardy	
Mary J. Shriver	
Thomas M. Brady	
Irene B. Cid	
John B. Young	

## RULES

Room 312, State House

## REPUBLICANS

## DEMOCRATS

W. Douglas Scamman, Jr., Chm.	Mary P. Chambers
Harold W. Burns, V. Chm.	William R. Matson
Vincent J. Palumbo, Jr.	Edward Densmore
Elizabeth Hager	
Dean Dexter	
Elizabeth A. Greene	

## SCIENCE, TECHNOLOGY AND ENERGY

Room 408, Legislative Office Building

## REPUBLICANS

## DEMOCRATS

Kenneth A. Randall, Chm.	Susan Schwartz
Frederic A. Foss, V. Chm.	Deborah L. Arnesen
Raymond H. Gourdeau	Stephen A. Crystal
Leonard A. Smith	Robin P. Read, Jr.
William Arnott, III	Richard J. Daschbach
Douglas E. Hall	
William H. Hatch	
John B. Hunt	
Ronald F. Lanzara	
Robert J. Scott, Jr.	

STATE-FEDERAL RELATIONS  
Room 300, Legislative Office Building

## REPUBLICANS

Ednapearl F. Parr, Chm.  
Gerard E. Powers, Jr., V. Chm.  
Harold W. Burns  
Vincent J. Palumbo, Jr.  
Beverly A. Gage  
Elizabeth Hager  
Lorine Walter  
Elsie Vartanian  
Matthew M. Sochalski  
Phyllis M. Katsakiores  
Robert B. Holmes, Jr.  
Frederic A. Foss  
Barbara E. Arnold  
W. Douglas Scamman, Jr.

## DEMOCRATS

Daniel A. Eaton  
Michael B. King  
Mary P. Chambers  
William R. Matson  
Wayne D. King  
Judy E. Reardon  
Richard J. Daschbach

STATE INSTITUTIONS AND HOUSING  
Room 304, Legislative Office Building

## REPUBLICANS

Ralph Parker, Chm.  
Henry F. Whitcomb, Jr., V. Chm.  
Judy L. Pariseau  
Ralph S. Boutwell  
Rita C. McAvoy  
Mildred S. Ingram  
Ednapearl F. Parr  
Rowland Schmidtchen  
Doris R. Ducharme  
Gordon B. Flint  
Carol A. Nagel  
Karen McRae

## DEMOCRATS

Judy E. Reardon  
Joseph A. MacDonald  
Patricia A. Frew  
Richard G. Dupont  
Richard F. Doucette  
Michael R. Weddle

TRANSPORTATION  
Room 203, Legislative Office Building

## REPUBLICANS

Irvin H. Gordon, Chm.  
Richard L. Haynes, V. Chm.  
Lorine Walter  
George N. Katsakiores  
John Hoar, Jr.  
Roger Stewart  
Doris R. Ducharme  
Kenneth W. Malcolm  
Robert W. Dearborn  
John W. Flanders, Sr.  
Merton L. Mann, Jr.  
A. Donald Thurston

## DEMOCRATS

Francis X. Donovan  
Roland M. Turgeon  
Harold D. Nelson  
Burton W. Knight, II  
Frances M. Gosselin  
James G. Casey, Sr.

## WAYS AND MEANS

Room 204, Legislative Office Building

## REPUBLICANS

Kathleen W. Ward, Chm.  
Frederick G. Ahrens, V. Chm.  
Roland A. Sallada  
Barbara E. Arnold  
Robert H. Grip  
Howard N. Saunders  
Marian R. Harrington  
Russell M. Brown  
Robert C. Hayes  
Beverly T. Rodeschin  
Walter A. Stiles  
Garret P. Cowenhoven  
Neal M. Kurk  
Eliot B. Ware, Jr.

## DEMOCRATS

Robert A. Durant, Sr.  
Paul G. Blacketer  
Wilfrid A. Boisvert  
Richard F. Ahern  
Roland A. Frechette  
Kevin T. Mulligan  
Robert W. Jean



# HOUSE JOURNAL 2

*Wednesday, 7Jan87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

I ask you to join me as we pray:

Come into our midst, O God, as we pause and call upon Your name. We mark today as a new beginning, as we gather with all the hopes and dreams which accompany the first day of any adventure.

You know truly what is in our hearts -- what inspires us, frightens us, angers us, saddens us. Give us Your gift of gentle patience that we may honor the gifts which others bring by listening with care and speaking with respect.

Those who are here for the first time may come with the anxieties of being unfamiliar, tempered with the hope that what they believe can make a difference.

Those who are seasoned, and perhaps tired, may harbor a cynicism knowing that many of their dreams have been trampled, and their visions ignored.

Instill in us, Holy One, the freshness of this day, that we may come to our elected task with responsive and responsible spirits, confident that we do not gather in vain.

With open minds and waiting hearts we pray. Amen.

Reps. Palumbo and Chambers led the Pledge of Allegiance.

The "Star Spangled Banner" was sung by Martha Sanderson, daughter of Rep. Sanderson, accompanied by Rep. Jesse Davis at the organ.

## LEAVES OF ABSENCE

Reps. Schwaner, Wells, Ralph Torr, Daniel Eaton, Baker and Yeaton, the day, illness.

Reps. Gosselin and Frew, the day, important business.

## INTRODUCTION OF GUESTS

Rev. Andrea Thompson, wife of the House Chaplain, Rev. John McCall; Tom Hague, guest of Rep. Romoli; David Sanderson, Mrs. Miriam Jong and Mrs. Angie Chronis, husband and guests of Rep. Sanderson.

The Speaker introduced former Speaker John B. Tucker.

## COMMUNICATIONS

Carl A. Peterson  
House Clerk

Dear Mr. Peterson:

This is to advise that the following representatives-elect appeared before the Governor and Executive Council on December 17, 1986, and were sworn into office:

Hillsborough County District No. 9 (Amherst, Mont Vernon)  
Elizabeth D. Lown, r&d, Amherst (36 Bloody Brook Road) 03031

Merrimack County District No. 7 (Chichester, Epsom, Pembroke)  
George E. Gordon, III, r, Pembroke (139 Main Street, Suncook) 03275

Rockingham County District No. 27 (Portsmouth - Ward 5)  
Cynthia Ann McGovern, d, Portsmouth (41 Salter Street) 03801

Sullivan County District No. 8 (Claremont - Ward 1, Unity)  
Cynthia W. McKee, r, Claremont (89 Chestnut Street) 03743

Sincerely,  
Karen H. Ladd  
Administrative Assistant  
to the Secretary of State

Carl A. Peterson  
House Clerk

Dear Mr. Peterson:

This is to advise that the following representative-elect appeared before the Governor and Executive Council on January 7, 1987 and was sworn into office:

Rockingham District No. 19 (Greenland, Stratham)  
Merino Romoli, Jr., r, Greenland (8 Holly Lane) 03840

Sincerely,  
Karen H. Ladd  
Administrative Assistant  
to the Secretary of State

Reps. Palumbo and Chambers offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention for the purpose of canvassing the votes for Governor and Councilors.  
Adopted.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 11 through 71 and 101 through 177, and Concurrent Resolutions Proposing Constitutional Amendments numbered 1 through 5, and House Concurrent Resolutions numbered 1 and 2, and House Bills of Intent numbered 2002 through 2007, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCRs and HBIs  
First, second reading and referral

HB 11, relative to the number of library trustees. (Skinner of Rockingham Dist. 21 - To Executive Departments and Administration)

HB 12, recodifying the workers' compensation law. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 13, to revive the charter of the Chocorua Chapel Association, a nonprofit organization. (Blair of Grafton Dist. 8 - To Executive Departments and Administration)

HB 14, relative to the time for closing the polls and announcing the results of statewide elections. (Rehlander of Merrimack Dist. 8 - To Constitutional and Statutory Revision)

HB 15, relative to the placement of candidates' names on ballots. (K. Wheeler of Hillsborough Dist. 10 - To Constitutional and Statutory Revision)

HB 16, increasing the number of write-in votes required for a candidate to accept the nomination of a different party. (Lozeau of Hillsborough Dist. 25 - To Constitutional and Statutory Revision)

HB 17, relative to building codes in municipalities. (Campbell of Belknap Dist. 5 - To Municipal and County Government)

HB 18, permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary. (Flanagan of Rockingham Dist. 8; Lewis of Merrimack Dist. 5 - To Municipal and County Government)

HB 19, relative to the election laws. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

HB 20, exempting poles, masts, and towers which support antennas from regulation by zoning ordinance. (Knight of Merrimack Dist. 14 - To Municipal and County Government)

HB 21-FN-A, relative to improvement of the state boat launch on Crystal Lake in the town of Enfield and making an appropriation therefor. (Scanlan of Grafton Dist. 11 - To Resources, Recreation and Development)

HB 22, relative to methods of hunting and possession of deer and moose and illegal night hunting. (Scanlan of Grafton Dist. 11; Smith of Merrimack Dist. 20; Bond of Dist. 1 - To Fish and Game)

HB 23, relative to halfway houses. (Mace of Rockingham Dist. 21 - To Health and Human Services)

HB 24, to extend the deadline for the joint committee on recodification of the water laws to submit its report to the general court. (Woodward of Rockingham Dist. 18 - To Resources, Recreation and Development)

HB 25, relative to intravenous devices in emergency situations. (Musler of Strafford Dist. 3 - To Health and Human Services)

HB 26-FN-A, making an appropriation for the New Hampshire bicentennial commission on the United States Constitution. (Chase of Carroll Dist. 6; Parr of Rockingham Dist. 17 - To Appropriations)

HB 27, defining the scope of reference of terms referring to state, county, and local government officials. (Blair of Grafton Dist. 8 - To Municipal and County Government)

HB 28, relative to retention schedules for depository libraries. (Skinner of Rockingham Dist. 21 - To State Institutions and Housing)

HB 29, relative to the fee paid to a shelter for unlicensed or stray dogs seized by local officials. (Benton of Rockingham Dist. 5 - To Municipal and County Government)

HB 30-FN-A, relative to uniform allowance for newly commissioned second lieutenants and warrant officers in the New Hampshire national guard and making an appropriation therefor. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 31, relative to boating on Wakondah Pond in town of Moultonborough. (McIntire of Carroll Dist. 4 - To Resources, Recreation and Development)

HB 32, relative to the election of the chairman of the university system study committee. (Tufts of Rockingham Dist. 13 - To Education)

HB 33, making assault with a motor vehicle a felony. (Malcolm of Rockingham Dist. 17 - To Judiciary)

HB 34, permitting the state, counties, and municipalities to contract with private entities for the construction, operation, supervision, and maintenance of government-operated facilities. (Knight of Hillsborough Dist. 6; Palumbo of Rockingham Dist. 10 - To Municipal and County Government)

HB 35, relative to divorce based on irreconcilable differences. (Lown of Hillsborough Dist. 9 - To Judiciary)

HB 36, relative to alimony and property settlements and fault grounds in divorce. (Lown of Hillsborough Dist. 9 - To Judiciary)

HB 37, relative to the emergency management act. (Musler of Strafford Dist. 3; Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 38, relative to the method of taking deer in the town of Madbury. (Wilson of Strafford Dist. 4; Dingle of Strafford Dist. 4; Wall of Strafford Dist. 4 - To Fish and Game)

HB 39, authorizing the director of motor vehicles to issue special vanity plates for amateur radio operators. (Knight of Merrimack Dist. 14 - To Transportation)

HB 40, relative to bond given by administrators of estates. (Green of Hillsborough Dist. 36 - To Judiciary)

HB 41, providing that the condemnee shall have first option to purchase any property condemned by eminent domain, if said property is abandoned for any reason by condemnor. (Lozeau of Hillsborough Dist. 25 - To Commerce, Small Business and Consumer Affairs)

HB 42, relative to use of the crossbow by certain disabled persons. (Bowler of Belknap Dist. 2 - To Fish and Game)

HB 43, relative to eligibility for admittance to the New Hampshire veterans' home. (Benton of Rockingham Dist. 5; Levesque of Hillsborough Dist. 30 - To State Institutions and Housing)

HB 44, requiring rest rooms in certain grocery stores. (Sullivan of Hillsborough Dist. 39 - To Commerce, Small Business and Consumer Affairs)

HB 45, relative to maternity and infancy. (Green of Hillsborough Dist. 36 - To Health and Human Services)

HB 46, relative to the state radiation advisory committee. (Green of Hillsborough Dist. 36 - To Executive Departments and Administration)

HB 47, relative to certain fish and game licenses. (Drake of Rockingham Dist. 18 - To Fish and Game)

HB 48, extending filing deadlines of the financial disclosure law. (Bass of Hillsborough Dist. 7; Harrington of Hillsborough Dist. 7; Freese of Dist. 4; Bond of Dist. 1; White of Dist. 11 - To Legislative Administration)

HB 49, relative to filling a vacancy in the office of the county treasurer. (Dickinson of Carroll Dist. 2; MacDonald of Carroll Dist. 6; Heath of Dist. 3 - To Municipal and County Government)

HB 50-A, relative to replacing the Hampton beach seawall and making an appropriation therefor. (Parr of Rockingham Dist. 17; LaMott of Grafton Dist. 5; Hollingworth of Rockingham Dist. 17; Walker of Rockingham Dist. 17; Malcolm of Rockingham Dist. 17 - To Public Works)

HB 51, relative to the statutory definition of a deadly weapon. (Benton of Rockingham Dist. 5 - To Judiciary)

HB 52, relative to imposing a mandatory minimum jail sentence for retaliating against a witness. (Gordon of Merrimack Dist. 7 - To Judiciary)

HB 53, relative to the filling of vacancies in combined water and sewer commissions. (Hoar of Rockingham Dist. 6; Joyce of Rockingham Dist. 6 - To Municipal and County Government)

HB 54, relative to prohibiting interference with hunters, trappers and fishermen. (Smith of Merrimack Dist. 20; Dickinson of Carroll Dist. 2; Felch of Rockingham Dist. 14 - To Fish and Game)

HB 55, relative to the insanity defense and committal orders. (Shriver of Hillsborough Dist. 11; Lozeau of Hillsborough Dist. 25 - To Judiciary)

HB 56-FN-A, relative to renovating a certain area of the state house and making an appropriation therefor. (Vartanian of Rockingham Dist. 20; Gage of Rockingham Dist. 20 - To Public Works)

HB 57, relative to mental health group homes. (Green of Hillsborough Dist. 36 - To Health and Human Services)

HB 58, relative to membership on planning boards. (Dykstra of Hillsborough Dist. 39; Messier of Hillsborough Dist. 45; Schneiderat of Hillsborough Dist. 34 - To Municipal and County Government)

HB 59, relative to connections from private property to public sewers. (Bucco of Rockingham Dist. 20; Cooke of Rockingham Dist. 20 - To Municipal and County Government)

HB 60-FN, relative to indemnification of fish and game department volunteers. (Dickinson of Carroll Dist. 2 - To Fish and Game)

HB 61, relative to rulemaking by the executive director of the department of fish and game, pertaining to deer, bear, and small game animals. (Jensen of Belknap Dist. 6; Dickinson of Carroll Dist. 2 - To Fish and Game)

HB 62, relative to establishing salaries of county officers. (Dickinson of Carroll Dist. 2; Chase of Carroll Dist. 6 - To Municipal and County Government)

HB 63, relative to certain water analysis records. (Whittemore of Merrimack Dist. 10 - To Resources, Recreation and Development)

HB 64, relative to requiring direct notification of certain persons of public hearings on location of solid and hazardous waste disposal sites. (Campbell of Rockingham Dist. 20 - To Municipal and County Government)

HB 65, relative to restricting power boats on Lake Wicwas in the town of Meredith. (Brown of Belknap Dist. 4; Dexter of Belknap Dist. 8 - To Resources, Recreation and Development)

HB 66-FN, relative to reinstating the corporate charter of Camp Tecumseh. (McIntire of Carroll Dist. 4 - To Constitutional and Statutory Revision)

HB 67, relative to urea-formaldehyde. (Benton of Rockingham Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 68, relative to attendance at scheduled planning board meetings. (Malcolm of Rockingham Dist. 17 - To Municipal and County Government)

HB 69, relative to reckless conduct. (Gordon of Merrimack Dist. 7 - To Judiciary)

HB 70, relative to prohibiting homosexuals from adopting, being foster parents, or running day care centers. (Ingram of Sullivan Dist. 4; Dion of Hillsborough Dist. 45; Tilton of Rockingham Dist. 20; Hounsell of Dist. 2; Chandler of Dist. 7 - To Judiciary)

HB 71, relative to the fiscal note process. (Harrington of Hillsborough Dist. 7 - To Legislative Administration)

HB 101-FN, relative to sunset review of the joint legislative committee on review of agencies and programs. (Horton of Coos Dist. 4 - To Legislative Administration)

HB 102-FN, relative to sunset review of office of legislative services. (Horton of Coos Dist. 4 - To Legislative Administration)

HB 103-FN, relative to sunset review of office of legislative services - administrative procedures division. (Horton of Coos Dist. 4 - To Legislative Administration)

HB 104-FN, relative to sunset review of the office of state planning. (Dingle of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 105-FN, relative to sunset review of the secretary of state - legislative services. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)



HB 106-FN, relative to sunset review of board of claims. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 107-FN, relative to sunset review of the department of revenue administration - community services. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 108-FN, relative to sunset review of the department of revenue administration - revenue collection. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 109-FN, relative to sunset review of coordinator of highway safety. (Haynes of Rockingham Dist. 9 - To Transportation)

HB 110-FN, relative to sunset review of the New Hampshire retirement system. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 111-FN, relative to sunset review of the board of accountancy. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 112-FN, relative to sunset review of the board of chiropractic examiners. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 113-FN, relative to sunset review of civil air patrol. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 114-FN, relative to sunset review of dental board. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 115-FN, relative to sunset review of regulation of electricians. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 116-FN, relative to sunset review of funeral directors and embalmers board. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 117-FN, relative to sunset review of board of medicine. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 118-FN, relative to sunset review of board of optometry. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 119-FN, relative to sunset review of pharmacy commission. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 120-FN, relative to sunset review of plumbers board. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 121-FN, relative to sunset review of board of registration of podiatrists. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 122-FN, relative to sunset review of board of psychologists. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 123-FN, relative to sunset review of public employee labor relations board. (MacDonald of Rockingham Dist. 7 - To Labor, Industrial and Rehabilitative Services)

HB 124-FN, relative to sunset review of the real estate commission. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 125-FN, relative to sunset review of shorthand court reporters. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 126-FN, relative to sunset review of the commission on the status of women. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 127-FN, relative to sunset review of the board of veterinary examiners. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 128-FN, relative to sunset review of civil defense. (Musler of Strafford Dist. 3 - To Public Protection and Veterans Affairs)

HB 129-FN, relative to sunset review of disaster office. (Musler of Strafford Dist. 3 - To Public Protection and Veterans Affairs)

HB 130-FN, relative to sunset review of the fire standards and training commission. (Musler of Strafford Dist. 3 - To Public Protection and Veterans Affairs)

HB 131-FN, relative to sunset review of the state liquor commission - office of the commissioner/administration. (Simon of Rockingham Dist. 9 - To Regulated Revenues)

HB 132-FN, relative to sunset review of state liquor commission - office of the commissioner/regulation. (Simon of Rockingham Dist. 9 - To Regulated Revenues)

HB 133-FN, relative to sunset review of state liquor commission - merchandising. (Simon of Rockingham Dist. 9 - To Regulated Revenues)

HB 134-FN, relative to sunset review of state liquor commission - warehouse. (Simon of Rockingham Dist. 9 - To Regulated Revenues)

HB 135-FN, relative to sunset review of the public utilities commission - administration and support. (Christy of Grafton Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 136-FN, relative to sunset review of public utilities commission - gas - pipeline carriers. (Christy of Grafton Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 137-FN, relative to sunset review of the department of safety - administration and support. (Haynes of Rockingham Dist. 9 - To Transportation)

HB 138-FN, relative to sunset review of the department of safety - division of motor vehicles. Haynes of Rockingham Dist. 9 - To Transportation)

HB 139-FN, relative to sunset review of the police standards and training council. (Musler of Strafford Dist. 3 - To Public Protection and Veterans Affairs)

HB 140-FN, relative to sunset review of the police standards and training council - corrections. (Musler of Strafford Dist. 3 - To Public Protection and Veterans Affairs)

HB 141-FN, relative to sunset review of the commission on human rights. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 142-FN, relative to sunset review of the fish and game department - administration and support. (Riley of Merrimack Dist. 9 - To Fish and Game)

HB 143-FN, relative to sunset review of the department of fish and game - law enforcement. (Riley of Merrimack Dist. 9 - To Fish and Game)

HB 144-FN, relative to sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles. (Riley of Merrimack Dist. 9 - To Fish and Game)

HB 145-FN, relative to sunset review of New Hampshire port authority. (Haynes of Rockingham Dist. 9 - To Transportation)

HB 146-FN, relative to sunset review of the department of health and human services - office of the commissioner. (Butler of Rockingham Dist. 11 - To Health and Human Services)

HB 147-FN, relative to sunset review of department of health and human services - division of mental health. (Butler of Rockingham Dist. 11 - To Health and Human Services)

HB 148-FN, relative to sunset review of Glencliff home for the elderly. (Whitcomb of Grafton Dist. 1 - To State Institutions and Housing)

HB 149-FN, relative to sunset review of Laconia state school and training center. (Whitcomb of Grafton Dist. 1 - To State Institutions and Housing)

HB 150-FN, relative to sunset review of New Hampshire hospital. (Whitcomb of Grafton Dist. 1 - To State Institutions and Housing)

HB 151-FN, relative to sunset review of veterans' home. (Whitcomb of Grafton Dist. 1 - To State Institutions and Housing)



HB 152-FN, relative to sunset review of the board of education - administration and support. (Hounsell of Carroll Dist. 2 - To Education)

HB 153-FN, relative to sunset review of the board of education - financial aids. (Hounsell of Carroll Dist. 2 - To Education)

HB 154-FN, relative to sunset review of the board of education - special services. (Hounsell of Carroll Dist. 2 - To Education)

HB 155-FN, relative to sunset review of the board of education - food and nutrition. (Hounsell of Carroll Dist. 2 - To Education)

HB 156-FN, relative to sunset review of the nurses registration board. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 157-FN, relative to sunset review of the board of education - general instruction. (Hounsell of Carroll Dist. 2 - To Education)

HB 158-FN, relative to sunset review of the department of education - adult basic education. (Hounsell of Carroll Dist. 2 - To Education)

HB 159-FN, relative to sunset review of the board of education - driver education. (Hounsell of Carroll Dist. 2 - To Education)

HB 160-FN, relative to sunset review of postsecondary education commission - veterans education service. (Hounsell of Carroll Dist. 2 - To Education)

HB 161-FN, relative to sunset review of the board of barbering and cosmetology. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 162-FN, relative to sunset review of the board of tax and land appeals. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 163-FN, relative to sunset review of the boxing and wrestling commission. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 164-FN, relative to sunset review of Connecticut River Valley flood control commission. (Dingle of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 165-FN, relative to sunset review of the department of employment security. (MacDonald of Rockingham Dist. 7 - To Labor, Industrial and Rehabilitative Services)

HB 166-FN, relative to sunset review of department of health and human services - division of public health services - electrologists. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 167-FN, relative to sunset review of the department of postsecondary vocational-technical education. (Hounsell of Carroll Dist. 2 - To Education)

HB 168-FN, relative to sunset review of joint board of engineers, architects and land surveyors. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 169-FN, relative to sunset review of Maine-New Hampshire interstate bridge authority. (Marsh of Coos Dist. 1 - To Public Works)

HB 170-FN, relative to sunset review of Merrimack River flood control commission. (Dingle of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 171-FN, relative to sunset review of New England water pollution control commission. (Dingle of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 172-FN, relative to sunset review of New Hampshire housing finance authority. (Whitcomb of Grafton Dist. 1 - To State Institutions and Housing)

HB 173-FN, relative to sunset review of the postsecondary education commission - nursing scholarship program. (Hounsell of Carroll Dist. 2 - To Education)

HB 174-FN, relative to sunset review of postsecondary education commission - war orphans scholarships. (Hounsell of Carroll Dist. 2 - To Education)

HB 175-FN, relative to sunset review of standardbred breeders and owners development agency. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 176-FN, relative to sunset review of state board of auctioneers. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 177-FN, relative to sunset review of veterinary/medical/optometric education program. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

CACR 1, relating to qualifications of senators. Providing that the residency requirement shall be 4 years. (Bennett of Grafton Dist. 9 - To Constitutional and Statutory Revision)

CACR 2, relating to the term of the governor. Providing that the term shall be 4 years. (Hawkins of Belknap Dist. 5; Densmore of Grafton Dist. 3 - To Constitutional and Statutory Revision)

CACR 3, relating to the adjournment of the house of representatives and the senate. Providing that neither branch of the legislature may adjourn itself for more than 3 days during any regular or special session without the consent of the other. (Chase of Carroll Dist. 6 - To Legislative Administration)

CACR 4, relating to the amount in controversy required for a jury trial. Providing that the amount be determined by statute. (Palumbo of Rockingham Dist. 10; Phelps of Merrimack Dist. 1 - To Constitutional and Statutory Revision)

CACR 5, relating to guns in courtrooms. Providing that law enforcement officers on duty may wear their weapons in state courtrooms. (Gordon of Merrimack Dist. 7 - To Constitutional and Statutory Revision)

HCR 1, urging the New Hampshire delegates to the United States Congress to support legislation designating English as the official language of the United States. (Stewart of Grafton Dist. 4 - To State-Federal Relations)

HCR 2, applying to the Congress of the United States to call a convention to propose an amendment to protect the lives of the unborn. (Granger of Hillsborough Dist. 13 - To State-Federal Relations)

HBI 2002, relating to the New Hampshire state hospital. (Parker of Cheshire Dist. 11; Whitcomb of Grafton Dist. 1 - To State Institutions and Housing)

HBI 2003, relating to the Laconia state school. (Parker of Cheshire Dist. 11; Whitcomb of Grafton Dist. 1 - To State Institutions and Housing)

HBI 2004, relating to highway state liquor stores providing non-alcoholic beverages in addition to alcohol. (Lozeau of Hillsborough Dist. 25 - To Regulated Revenues)

HBI 2005, relating to the reapportionment of electoral districts. (Campbell of Belknap Dist. 5 - To Constitutional and Statutory Revision)

HBI 2006, relating to the youth development center. (Parker of Cheshire Dist. 11; Whitcomb of Grafton Dist. 1 - To State Institutions and Housing)

HBI 2007, to study the disparity between insurance allowances and health care costs. (Ahrens of Hillsborough Dist. 13 - To Commerce, Small Business and Consumer Affairs)

Adopted.

#### SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the Rules be so far suspended as to permit consideration of HB 48, extending filing deadlines of the financial disclosure law, and HB 49, relative to filling a vacancy in the office of the county treasurer, without public hearing, committee report, required notice in the Calendar, and placed on third reading and final passage at the present time.

Reps. Palumbo and Chambers spoke to the motion.  
Adopted by the necessary two-thirds.

Rep. Palumbo moved the adoption of HB 48, extending filing deadlines of the financial disclosure law, and spoke to his motion.  
Adopted.

Rep. Palumbo moved the adoption of HB 49, relative to filling a vacancy in the office of the county treasurer.

Rep. Kenneth MacDonald spoke in favor of the motion.  
Adopted.

### Third reading and final passage

HB 48, extending filing deadlines of the financial disclosure law.  
HB 49, relative to filling a vacancy in the office of the county treasurer.

### RECESS

### SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of canvassing the votes for Governor and Councilors.

### JOINT CONVENTION (Speaker presiding)

Sen. Dupont and Rep. Palumbo offered the following:

RESOLVED, that the Honorable Secretary of State be requested to lay before the convention the returns of votes for Governor and Councilors.

William M. Gardner, Secretary of State, appeared before the Joint Convention and reported the returns of votes for Governor and Councilors cast in the General Election held November 4, 1986, as follows:

### FOR GOVERNOR

	<u>Sununu</u>	<u>McEachern</u>
Belknap	6,951	5,141
Carroll	7,218	3,025
Cheshire	6,412	9,472
Coos	5,675	3,340
Grafton	9,675	6,743
Hillsborough	42,169	29,677
Merrimack	13,246	15,558
Rockingham	28,210	26,896
Strafford	10,325	11,429
Sullivan	4,943	4,861
TOTALS	134,824	116,142

John H. Sununu having a plurality of 18,682 votes, was elected Governor.

FOR COUNCILORSFirst District:

Raymond S. Burton, r	31,244
J. Robert Savage, d	<u>16,244</u>
Plurality for Raymond S. Burton	15,000

Second District:

Peter J. Spaulding, r	33,606
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Third District:

Ruth L. Griffin, r	29,546
Ed Theobald, d	<u>18,405</u>
Plurality for Ruth L. Griffin	11,141

Fourth District:

Earl A. Rinker, lI, r	22,926
Louis D'Allesandro, d	<u>21,520</u>
Plurality for Earl A. Rinker	1,406

Fifth District:

Bernard A. Streeter, Jr., r	29,989
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Sen. Dupont and Rep. Palumbo offered the following:

RESOLVED, that the vote for Governor and Councilors be referred to a committee consisting of one on the part of the Senate and two on the part of the House to compare and count the same and report thereon.

Adopted.

The Chair appointed Reps. Healy and D'Amante and Sen. Blaisdell.

Sen. Dupont and Rep. Palumbo moved that the Joint Convention arise.  
Adopted.

RECESS

HOUSE

(Speaker in the Chair)

Reps. Palumbo and Chambers offered the following:

## HOUSE RESOLUTION NO. 12

adopting amendments to the House Rules as proposed by  
the Rules Committee and fixing February 10, 1987,  
as the date through which House Rules  
may be amended by majority vote.

WHEREAS, the House voted on December 3, 1986, to adopt the Rules, as amended of the 1986 Session, on a temporary basis and that it would fix the date through which amendments could be made by majority vote on the day (January 7), now therefore be it

RESOLVED, that the rules of the House, with the amendments as proposed by the Rules Committee, be adopted and may be amended by majority vote through February 10, 1987.

Amendments to House Rules  
as proposed by the Rules Committee

Amend House Rule 32(k) by deleting in lines ten through twelve, the words "the suitability of our work force to the needs of the industrial sector" and inserting in place thereof the following:

"balancing the rights of employees to the needs of the industrial sector"

Amend House Rule 32(o) by inserting after the first paragraph, the following new paragraph:

"The Committee shall submit to the House on or before Tuesday, March 10, 1987, a report on the Capital Budget and preliminary action by Thursday, March 12, 1987"

Amend House Rule 32(u) by inserting in line eleven, after the word "lease" the following:

", purchasing, and conversion"

Amend House Rule 32(w) by inserting after the first paragraph, the following new paragraph:

"They will report to the House on the first session day in February and the end of February, 1987, the estimated revenues of the state. They will consider and report at the end of each month thereafter to the House upon such other subjects concerning the financial interests of the state as may be appropriate."

Amend House Rule 36(A)(a) and (b) by deleting all and inserting in place thereof the following:

"(a) No bill, the legislation substantially similar, of which has been reported indefinitely postponed or inexpedient to legislate in the House in the first-year session shall be admitted into the second-year session, without the approval of a majority of the Rules Committee or a two-thirds vote of the House, whether as a bill, an amendment, a committee of conference report or in any other manner; and

(b) All bills, joint or concurrent resolutions, to be introduced into the House for the second-year session may be filed commencing May 1, 1987 with final information in Legislative Services by 5:00 p.m. October 1, 1987, and the bill signed off no later than 5:00 p.m. November 15, 1987, unless admitted by a majority of the Rules Committee or a two-thirds vote of the House.

Amend House Rule 41 by inserting after 41(a) the following new paragraph (b) and relettering (b) to read as (c).

(b) Chairmen of a Committee of Conference shall give notice of time and place of meeting one day in advance of such meeting to the House Clerk's Office so that said meeting can be posted. Committee of Conference reports shall be distributed to be acted upon on some subsequent day.

Amend House Rule 43 by deleting in lines three, four and five the words "at least two days in the Calendar of the House." and inserting in place thereof the following:

"no less than five days prior to a hearing in the Calendar of the House. Notices of informational and work sessions shall be printed in the House Calendar or announced from the floor of the House. No public testimony or executive vote shall be taken at such meetings."

Amend House Rule 44 by inserting after Rule 44, the following new House Rule:

"(a) All bills in the possession of Committees shall be reported out with one of the following recommendations, Ought to Pass, Ought to Pass with Amendment, Re-refer to Committee, Inexpedient to Legislate. Refer for Interim Study shall be a Committee report only in the second-year session. If a bill is reported Re-refer to Committee, it shall read: re-refer to Committee for action in the second session. These bills are to be reported out no later than November 15, 1987. All such bills will be scheduled for action no later than the ninth legislative day of the second-year session."

Amend House Rule 46(d)(2) by deleting in lines four through eight the words "at least three days before the filing of a Conference Committee report on said bill and, in any event, not later than Wednesday, May 22.", and insert in place thereof the following:

"by the second session day after the establishment of a Committee of Conference"

Amend House Rule 59 by deleting all after the word "be" in line four and inserting in place thereof the following:

"reported by Tuesday, March 24, 1987.

All money bills and revenue bills shall be acted upon by Thursday, March 26, 1987."

Amend House Rule 60 by deleting in line seven the word "majority" and inserting in place thereof the following:

"unanimous"

Amend Rule 11 by inserting in line seven after the word "in" the following:

"House Rule 16"

Amend Rule 12 by inserting in line eleven after the word "abstaining" the following:

"under House Rule 16"

Amend House Rule 32(w) by deleting all after the word "state" in line nine.

Amend the proposed amendment to House Rule 32(w) by inserting in the last line after the word "appropriate" the following:

"and such other matters as may be referred to it."



Amend House Rule 46(a) by deleting all and inserting in place thereof the following:

46(a) Drafting Deadlines. No request by a member of the House for drafting a bill or joint resolution other than the general budget or the capital budget bill, shall be accepted by the Legislative Drafting Service for processing unless the subject matter of the legislation, with complete information necessary for drafting has been filed with said service no later than Thursday, January 8, 1987, at 5:00 p.m. For the purposes of these rules, "money bills" are those that either appropriate money or raise state revenues whether new or existing.

Amend House Rule 46(a)(1) by deleting in lines three and four the words "Wednesday, February 13" and inserting in place thereof the following:

"Friday, February 13, 1987, at 5:00 p.m."

(HOUSE AMENDED DATES)

February 13, 1987 (Friday)	Last day to file House Bills of Intent (Rule 46(a)(1))
March 10, 1987 (Tuesday)	Deadline for Public Works to report Capital Budget
March 12, 1987 (Thursday)	Deadline for House preliminary action on Capital Budget
March 24, 1987 (Tuesday)	Last day to report revenue bills (Rule 59)
2nd session day after appointment of Budget Committee of Conference	Budget briefing on Senate version of Operating Budget (Rule 46(d)(2))

Rep. Harold Burns explained the Committee amendments.  
Amendments adopted.

Rep. Densmore offered an amendment.

Amendment

Amend House Rule 32(w) by inserting after the first paragraph the following new paragraph:

They will report to the House on the first session day in February and the end of February, 1987, the estimated revenues of the state. They will consider and report at the end of each month, thereafter, to the House the estimated revenues of the state and other subjects concerning the financial interests of the state as may be appropriate.

The Clerk read the amendment.  
Rep. Densmore explained the amendment.  
Amendment adopted

Rep. Sytek offered an amendment

Amendment

Amend House Rule 36(A)(a) to read as follows:

(a) No bill or legislation, substantially similar to any bill or legislation which has been indefinitely postponed or voted inexpedient to legislate in the House in the first-year session, shall be admitted into the second-year session, without the approval of a majority of the Rules



Committee or a two-thirds vote of the House, whether as a bill, an amendment, a committee of conference report or in any other manner; and

The Clerk read the amendment.

Rep. Sytek explained the amendment.

Amendment adopted.

House Resolution 12 was Adopted.

The Speaker addressed the House briefly:

When I was campaigning for Speaker a few months ago, many of you told me you believed, as I did, that it was time for a change in this body. Time for a change in the way we did business; time for more openness, more accessibility, time to shift resources to get our job done more quickly and more effectively.

Today, I want to tell you that we heard you, and that those changes are in the works.

You said that House Committees had to have the support staff to help deal with the complicated issues we are tackling, and we heard you. I believe with you that Committees are the source of the strength of our citizen government. That is why we have worked over the past month to strengthen the Committee process. This session, each Committee will have secretarial help and the Committee Research staff will be restructured and reinforced.

You told us that uncertain legislative schedules discourage participation in our volunteer legislature. So this month we will have a short two-week recess, until January 27, while Committee Chairmen set up a schedule of hearings and Committee work on House Bills. To the best of our abilities, we also intend to hold sessions and hearings on regularly scheduled days -- on Tuesdays, Wednesdays and Thursdays. This schedule will let you plan your private lives around your legislative commitments.

We are also making good on our promise to make the legislative process more open, both for legislators and the public. There will be five days' notice on all House Committee hearings. Committee of Conference meetings will no longer be held in secret; the time and place of every Committee of Conference chaired by the House will be posted in the Clerk's Office. And we will not ask you to vote on a Committee of Conference Report the same day it reaches your hands. Conference Committee Reports will now be distributed to the membership and acted upon on a subsequent day.

Our basic objectives are fairness and openness, and I am confident that they can be achieved. But the Leadership will need your help in achieving these goals and meeting the deadlines of the shortened, four-month session we are proposing.

The deadline for filing bills is now January 8, as compared to February 1 in 1985, so we can get the process going sooner. Money bills will be introduced by February 5 and acted upon by Policy Committees by February 26; two years ago they were introduced in February and acted upon by late March.

We propose to send the Operating Budget to the Senate by April 9, a full two weeks earlier than in 1985. With your cooperation, and the cooperation of the Senate and Governor, I hope we can all go home by the end of May.

I believe that the changes in procedure and the new Calendar will serve us well as we tackle the major issues of the session.

The Operating Budget for 1988-89 will take up much of our time and will lay the foundation of state government for the next biennium. We must carefully examine the Governor's proposed budget and strike a balance between the needs of the people of New Hampshire and the fiscal resources available. We will have to look at funding the State's obligation for court-ordered juvenile placements, for example. But at the same time we will work toward controlling the escalating costs of that budget item.

There will be calls to earmark portions of the State's budget surplus for various worthy programs. But the Legislature will have to set carefully selected priorities for its use. And I think we should be cautious in setting them, since further reductions in federal funding may require an adjustment of priorities through the coming months and years.

The major issue of the 1990's will be water, and New Hampshire must be ready to meet that challenge. The Joint Legislative Committee for Recodifying the Water Laws of New Hampshire, created last year, will be coming forward with its recommendations on protecting the quality of water in our State. We will work with it to implement its proposals. We will also have to be prepared to address the impact of the President's veto of the United States Clean Water Act on the construction of waste water treatment plants in our cities and towns. I hope that the Congress will come through with new legislation this year, but if it doesn't, the State should be in a posture to act.

Energy is another issue that will affect not only New Hampshire but the whole New England region in the years to come. Because of the polarization of the issue, objective information has become the most precious resource in this continuing debate. We have restructured the House Science and Technology Committee to take on this issue as the new Science, Technology and Energy Committee.

Through a Bill of Legislative Intent, I look forward to the Committee creating a statewide energy policy and in the process, generating a body of unbiased information. I believe it is also appropriate for the Committee to look into just what the buyout of small energy producers by Public Service Company of New Hampshire means to the people of the State. Why is it right, or why is it wrong?

There are a number of other equally important issues confronting us this session.

Last week's report by the statutory committee charged with studying the explosion of docks and moorings on our lakes and ponds calls for action. We must wrestle with the question of Interstate Banking and whether we let the banking market seek its own level or impose controls. State Government's role in allowing healthy growth while preserving the unique quality of life in New Hampshire must also be one of our highest priorities.

I think that there are two sides to all of these issues and that in fairness we should be receptive to the arguments of all interests. With the new staff structure in the House and the expansion of staff support, I hope House Committees will be better able to listen to all concerns and come up with solutions.

We have set ourselves an ambitious agenda for 1987 and our expanded support services will be new. It will be important that each of us pitches in to help reach our goals. Each of us must be organized and committed to complete our work in the time allowed.

If we all pitch in and work together, I believe we can get the job done. Thank you.

Rep. Benton moved that the Speaker's remarks be printed in the Journal.

Adopted.

Reps. Palumbo and Chambers offered the following:

#### HOUSE RESOLUTION NO. 13

adopting joint rules for the 1987-88 sessions.

RESOLVED, by the House of Representatives, that the House Rules Committee meet with the Senate Rules Committee for the purpose of drafting Joint Rules for the 1987-88 sessions.

Adopted.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today, it be to meet January 8, 1987 at 10:30 a.m. Adopted.

SENATE MESSAGE  
CONCURRENCE

The Senate has voted to pass the following House Bills under Suspension of Rules:

HB 48, extending filing deadlines of the financial disclosure law.  
HB 49, relative to filling a vacancy in the office of the county treasurer.

Rep. Scamman for the entire membership offered the following:

HOUSE RESOLUTION NO. 14

honoring former State Representative  
Helene R. Donnelly of Dover.

WHEREAS, for eight terms, the first being the biennium of 1965-66, Helene R. Donnelly of Dover was elected to and served as a respected and honorable member of the New Hampshire House of Representatives, and

WHEREAS, for seven consecutive terms between 1973 and 1986, Helene R. Donnelly faithfully served her Strafford County constituents as a hard-working and esteemed member of the Standing Committee on Ways and Means, and

WHEREAS, having been blessed with an abundance of civic energy, Helene R. Donnelly has given freely and enthusiastically of her time to the community, having served as a City Councilor, as a member of the Dover Bicentennial Committee, and as Director of the New Hampshire Heart Association, and

WHEREAS, Helene R. Donnelly has been an active member of the Organization of Women Legislators, the VFW Women's Auxiliary, the Strafford County Women's Organization, and the State Democratic Women's Division, and

WHEREAS, having been born on the twenty-third day of August in Nineteen Hundred and Four, Helene R. Donnelly, during her eighty-two productive years, has made innumerable friends, imparting felicity, warmth, and friendliness to all who have crossed her path, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Helene R. Donnelly be recognized and saluted for her outstanding legislative record, and be it further

RESOLVED, that Helene R. Donnelly be commended for her civic commitment, and that a suitable copy of this Resolution be prepared for presentation to her.

Unanimously adopted.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills only.  
Adopted.

The House recessed at 2:08 p.m.

## RECESS

(Out of Recess)

(Speaker in the Chair)

Rep. Palumbo moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 3

*Thursday, 8Jan87*

The House assembled at 10:30 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Lord God, as we gather today we are surrounded by a great cloud of witnesses. In this place we can almost feel the presence of those forebears who have sat in these same seats, earnestly struggling with the issues of their days.

We recall Governors, Speakers, Majority and Minority leaders, rank and file. We are colleagues with those across the ages.

Likewise, we can almost feel the intense gaze of folks back home who are keeping an eagle eye on all we do. We know already that some are pleased and some perturbed, and that we're going to hear about it.

Often we confess that we feel alone, even in this busy world. So much of life seems to be lived in solitude. So we thank You that here we are not soloists, but members of a great chorus of those who serve the citizens and seek the common good.

As we conduct our business, remind us that we are to be responsible to our constituents, to our colleagues, to our own values, and to You. That is a heavy load. Help us, O God, to balance these responsibilities well. Amen.

Rep. Vartanian led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Baker, Schwaner, Ralph Torr, Wells, Nixon, Ducharme, Dickinson and George Gordon, the day, illness.

Reps. Marsh, Hess, Cote and William Boucher, the day, important business.

Rep. Purrington, the day, death in the family.

## INTRODUCTION OF GUESTS

David Palumbo and Dan Gray, brother and guest of Rep. Palumbo; Robin Bean, guest of Rep. Rodeschin; Kelley Tacy and Allison Giomario, guests of Rep. Delano.

Reps. Palumbo and Chambers offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Councilors and the Inauguration of the Governor-elect, the Honorable John H. Sununu.

Adopted.

## RECESS

The following guests were introduced:

The Honorable Shane Devine, Chief Justice of the United States District Court; the Honorable Richard P. Dunfey, Chief Justice of the Superior Court; the Associate Justices of the Superior Court, Arthur E. Bean, William F. Cann, Charles J. Contas, Joseph A. DiClerico, Charles J. Flynn, Frederick D. Goode, George S. Pappagianis, Robert H. Temple, Louis C. Wyman, Linda S. Dalianis, Vincent P. Dunn, Joseph P. Nadeau, Robert B. Dickson, Douglas R. Gray, William J. O'Neil, Walter L. Murphy, Peter W. Smith, Philip S. Hollman, George L. Manias, Margaret R. Flynn, Robert E. K. Morrill, and Kenneth R. McHugh; the Honorable David Brock, Chief Justice of the Supreme Court, and Mrs. Brock; the Associate Justices of the Supreme Court, William F. Batchelder, David H. Souter, William R. Johnson, W. Stephen Thayer, and their escorts; former Governors Hugh Gregg and Lane Dwinell and his Lady; Sen. Gordon Humphrey; escorts of the Councilors-elect and former Councilors; Mrs. W. Douglas Scamman, Lady of the Speaker of the House; Mrs. William S. Bartlett, Lady of the President of the Senate; the First Lady, Mrs. John H. Sununu and family of the Governor; Stephen Merrill, Attorney General and his Lady; Georgie A. Thomas, State Treasurer; William M. Gardner, Secretary of State; House Leadership, Reps. Harold W. Burns, Vincent J. Palumbo, Jr., Mary P. Chambers, Timothy Bates, Elsie Vartanian, William R. Matson, Michael B. King, Cecelia L. Winn, Joseph A. MacDonald, Joanne A. O'Rourke, Albert J. Dionne, Chris Jacobson, Beverly A. Gage, Judy E. Reardon and Edward Densmore; the Honorable Senators, Charles D. Bond, Mark Hounsell, Roger Heath, George E. Freese, Ralph Degnan Hough, Edward C. Dupont, John P. H. Chandler, George F. Disnard, Sheila Roberge, Clession J. Blaisdell, Jean T. White, Barbara B. Pressly, Mary S. Nelson, Rhona M. Charbonneau, Susan McLane, Eleanor P. Podles, William A. Johnson, Robert A. Stephen, James R. St. Jean, Franklin G. Torr, Joseph L. Delahunty, Robert F. Preston and Elaine S. Krasker; the Councilors-elect, Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Earl A. Rinker and Bernard A. Streeter; the Honorable President of the Senate, William S. Bartlett; the Honorable John H. Sununu, Governor.

JOINT CONVENTION  
(Speaker presiding)

Sen. Blaisdell and Reps. Healy and D'Amante offered the following report:

The Joint Committee appointed to compare and count the votes for Governor and Councilors reports that it has attended to its duties and the vote is correct.

Report adopted.

The New Hampshire National Guard posted the colors, followed by the singing of the National Anthem by Holly Tepe, a teacher at St. Paul's School in Concord.

The Invocation was offered by Rabbi Arthur F. Starr of Temple Adath Yeshurun, Manchester:

We have come together today to celebrate and rejoice in the Inauguration of our Governor, John H. Sununu. We ask blessing upon him as he prepares to lead our citizenry for a third term. May he and his family be shielded from illness and peril. May he, and all the duly-elected officials of our State, be granted abundant wisdom and understanding, enabling them to lead and serve our people in righteousness, equality and truth.



We celebrate also today the precious heritage of our nation and our State. May we all be united by a bond of genuine friendship, caring and concern for each other. May we be sustained and strengthened in our endeavors to eradicate hatred and prejudice, poverty and disease. May we always labor to preserve the ideals and democratic institutions of our American way of life that make this day possible.

May peace and security, justice and equality, freedom and prosperity, all flourish in our midst and forever remain our heritage. And may these hopes of our hearts be made real by the works of our hands. Amen.

Chief Justice David A. Brock administered the oath of office to His Excellency, John H. Sununu and presented him with a copy of the State Constitution.

A Prayer for peace and thanksgiving was offered by The Reverend Father Nicholas V. Gamvas, Pastor of Assumption Greek Orthodox Church, Manchester:

Almighty God, we thank You for the rich heritage of this good land, for the majesty of her mountains, for the quiet beauty of her meadows and fields, for the singing symphonies of her woodlands, and for the fury of the seas which storm her shores.

We thank You God for the men and women who, by blood, sweat, and tears, sacrificed for all that we hold so dear -- and may we never lightly esteem what they obtained at a great price. In this time of terrorism and political unrest around the world we pray for peace amongst all peoples.

We pray for our Governor, John Sununu, those in authority, and the backbone of this great Nation, the countless millions who see freedom, not as the right-to-do as we please, but as the opportunity to please to do what is right.

We thank You God, for Governor Sununu's devotion to the people of New Hampshire, the inspiration of his example, and for the faith, support, and loyalty, of his wife Nancy and his family. Lord, put Your arms around our Governor, John Sununu, and give him the strength for the task ahead, and look with favor upon the State of New Hampshire.

On this historic Inaugural Day we look to the inspiration that breathes in the memory of our founding fathers of New Hampshire, and we pray that something of the spirit that was theirs, may be in our hearts - malice towards none and charity for all. Amen.

The Governor administered the oath of office to the Honorable Councilors-elect.

The Governor delivered his Inaugural Address as follows:

Mr. Speaker, Mr. Senate President, Mr. Chief Justice, Honorable members of the Senate and House of Representatives, and my fellow citizens:

I am truly grateful for the honor and opportunity conferred on me by this election to serve a third term as Governor of this great State of New Hampshire.

As we gather here to inaugurate the beginning of a new two-year effort, it should be clear to all of us that as a State we have much for which we can give thanks.

The last time we were in this setting, I outlined a number of goals, and I am pleased to note that we have been successful in effectively addressing those needs for our citizens and our communities.

New Hampshire continues to have the lowest unemployment and the strongest economy in the country.

The fiscal integrity of the State's finances has been restored.



We have been able to refurbish and rebuild our system of institutional services, including modernization of our mental health system and our programs for the developmentally disabled.

Our program of social services, in particular those programs for the elderly and our young people in need, have been improved and expanded.

Our State has succeeded in focusing additional resources, support and innovation into our fine educational systems.

We have invested wisely to address the long-term impacts of growth on needs as diverse as our highways and water supplies.

We are refurbishing our park system and have provided the legislation and support needed to protect our precious environment.

Most notably, we have been able to accomplish all this while maintaining financial stability and preserving the special attractiveness of our tax structure.

I am proud that our message of performance continues to keep New Hampshire the envy of our nation.

Compassion and effective service are the basis for our programs and the support provided by New Hampshire State Government.

Our commitment for the coming biennium is to reflect and support a caring ... a dedication ... and an effective response both to our needy, and our taxpayers.

Over the past four years, I believe the State of New Hampshire has been faithful to those concerns, and we have done so with an emphasis on real quality and an emphasis on breadth of performance.

We have set realistic, honest and fair priorities in our policies and budget, and working together we have matched our promises with our deeds.

With the help of a responsive Legislature and the diligent performance of our dedicated state employees, New Hampshire has maintained the balance, the discipline and the quality of effort which provide the difference, and those are the keys to our unique success.

At the same time, we have met our existing needs, additional obligations and responsibilities have been transferred to the states from the Federal Government.

As we have accepted these expanded charges, with New Hampshire's traditional emphasis on performance, we have maximized efficiency and minimized cost.

I think you know this trend of returning responsibility to the states from Washington will continue. We must continue to be a leader in demonstrating that given the opportunity and flexibility, we in New Hampshire and our sister states, can reduce the net overall burden of government on our citizens while accepting an expanded state and local role.

This is certainly consistent with New Hampshire's recognition of the importance of maintaining government functions at the closest possible level to the people.

This coming biennium will be two interesting and very pivotal years, not only for New Hampshire but for the nation as well.

In 1987, our country will celebrate the 200th anniversary of our Constitution.

That celebration has all the more meaning here in New Hampshire since our ratification as a State of that amazing document was the deciding vote that led to the final adoption of our national Constitution. In fact, I will be urging rapid action on the Legislature to provide appropriate State support for our celebration of that bicentennial.

Drafted in convention in Philadelphia in the hot summer of 1787, our Constitution has truly lived up to the promise, and hope and expectations of its authors.

It created a union of states, and a nation so unique in principle and structure that it has often been referred to as "The Miracle of Philadelphia."

Catherine Drinker Bowen's book on the development of the Constitution has very eloquently framed the debate. The spirit and the concerns which shaped the difficult yet crucial relationships that the constitution established between the states and the new Federal Government. These delicate balances were the basis for the fundamental agreements in that great historic federalist structure.

But, over the last 200 years, there has been a very significant shift in role and authority from the states to the Federal Government. These shifts would shock even the staunchest supporters of strong central government who are part of the great miracle in Philadelphia.

We are mindful of the impact those changes have imposed since our founding fathers framed that Constitution. Thus, we in New Hampshire welcome the return of responsibility and authority to State Government from the ever-inflating national bureaucracy in Washington.

Our success in New Hampshire in maintaining this balance confirms that this expansiveness of the federal bureaucracy was driven not by the call to serve our needs, but by an undisciplined yielding to the pressures of excessive wants.

It is appropriate, therefore, as part of our efforts over the next two years, in coincidence with the bicentennial celebration, that we review the basic structure of our current state-federal relationship and move aggressively to lead a restoration of the balances so carefully crafted into that grand document.

It is imperative that changes in the role of the states in the future must be changes which return us to a less expansive and to a less burdensome government in Washington.

All of us together -- in and out of government -- are partners in this undertaking. This expansiveness of Washington's involvement has grown well beyond the consent of the governed.

We understand it is time to check and reverse the trend toward the centralization of power in Washington and bring government closer to the people through their participation at the state and local level.

In addition to responding to the obligations and responsibilities returned to us from Washington, New Hampshire must also meet its own special challenges. We have done well and prospered here in our State. We must now manage that success by spending wisely, frugally, and with an eye to the future.

We must carefully set our priorities, establish stepping-stones to our goals and meet our immediate needs as we provide leadership to prepare for our future.

New Hampshire is unique, and we pride ourselves on the accessibility between and among our citizens, policymakers and elected officials. My efforts and the supportive response of the Legislature have been concentrated on serving the needs of those we represent, and we have been mindful that we do this with shared responsibilities as we meet those needs.

As in the past, I deliberately will not present a lengthy agenda. In fact, I note that it was a democratic president who said, "Government cannot solve our problems, set our goals, define our vision, eliminate poverty or reduce inflation."

Thus, we present today a compact agenda to continue the success of the last two terms.

This agenda continues to reflect the issues discussed this past year as we all shared in the dialogue of the political process.

We will continue to improve our programs in education. Our efforts there should again be designed to maximize innovation and to focus resources.

The restructuring of our respected programs and our widely-copied services for the developmentally disabled shall be continued.

In mental health, the final pieces of the modernization of the overall delivery system will be put in place as we look forward to the completion of construction of the new central psychiatric facility.

We must continue the modernization and expansion of our corrections' facilities and systems that support it to meet our needs through the turn of the century.

And we will continue our support of our long-range programs for highway and water quality systems.

It is essential that we balance the need for a strong economy with the strength of our commitment to preserve our great quality of life. Those goals are not incompatible. In fact, properly addressed they are mutually reinforcing.

And, as always, we will continue to emphasize the quality, capacity and performances of our efforts rather than just the price tag.

I believe these goals encompass more than the fashions or anxieties of the moment.

Our responsibility is to make State Government more responsive to actual needs with innovative, efficient programs that the Legislature can support and our people will applaud.

We recognize that for us to be true to our principles in this time of opportunity it may be more difficult than it was to deal with the demands in our past time of crisis.

Today's challenges will require our best efforts, our willingness to believe in the long-range advantages of our traditional structures, and to believe in the capacity of that system to perform well beyond the minimal expectations of our critics.

I have no doubt we will succeed. I have no doubt we shall succeed if we are able to restore fiscal integrity after our financial crisis, then we certainly have the discipline to responsibly allocate our fiscal resources in these better times.

In New Hampshire, we have always known that the people committed to solid basic principles can make a real difference. Let us together, over the next two years, prove once again that we will use that difference to make our government enviably responsive and efficient.

In fact, it is now expected that we will succeed even beyond our wildest dreams ...

After all, we are from New Hampshire.

God bless you all, and thank you.

A poem, "Granite and Grass," was recited by Donald Hall, State Poet Laureate.

On Ragged Mountain birches twist from rifts in granite.  
Great ledges show gray through sugarbush. Brown bears  
doze all winter under granite outcroppings or in cellarholes  
the first settlers walled with fieldstone.  
Granite markers recline in high abandoned graveyards.

Although split by frost or dynamite, granite is unaltered; earthquakes  
tumble boulders across meadows; glaciers  
carry pebbles with them as they grind south  
and melt north, scooping lakes for the Penacook's trout.  
Stone bulks, reflects sunlight, bears snow, and persists.

When highway-makers cut through a granite hill, scoring  
deep trench-sides with vertical drillings, they leave behind  
glittering sculptures, monuments to the granite state  
of nature, emblems of permanence  
that we worship in daily disease, and discover in stone.

But when we climb Ragged Mountain past cordwood stumpage,  
over rocks of a dry creekbed, in company of young hemlock,  
only granite remains unkind. Uprising in summer, in woods  
and high pastures, our sister the fern breathes, trembles,  
and alters, delicate fronds outspread and separate.

The fox pausing for scent cuts holes in hoarfrost.  
 Quail scream in the fisher's jaw; then the fisher dotes.  
 The coy-dog howls, raising puppies that breed more puppies  
 to rip the throats of rickety deer in March.  
 The moose's antlers extend, defending his wife for a season.

Mother-and-father grass lifts in the forsaken meadow,  
 grows tall under sun and rain, uncut, turns yellow,  
 sheds seeds, and under assault of snow relents; in May  
 green generates again. When the bear dies, bees construct  
 honey from nectar of cinquefoil growing through rib-bones.

Ragged Mountain was granite before Adam divided.  
 Grass lives because it dies. If weary of discord  
 we gaze heavenward through the same eye that looks at us,  
 vision makes light of contradiction:  
 Granite is grass in the holy meadow of the soul's repose.

The Right Reverend Douglas E. Theuner, Bishop of New Hampshire offered a Prayer for a successful administration:

Almighty God, Who has given into our stewardship a land of plenty, a legacy of freedom and the hope of fullness of life for all who live here; we thank You for people who are willing to assume the responsibilities of leadership that our opportunities demand; people of conscience and ability.

We pray for Your servant, John, and those who today, members of the Executive Council, who are empowered with him to execute judgment and justice in New Hampshire, and we pray that their care may be the greatest for those whose needs are the most and that they will have the vision and courage to call forth the resources to meet those needs. We pray that this administration will be successful in facilitating the granting of life and freedom and hope to those whom it is called to serve.

All this we ask through Your Holy Name, by Your mighty power and in the deep conviction that You will lead us together into newness of life, and joy, and peace. Amen.

The Most Reverend Joseph J. Gerry, O.S.B., Auxiliary Bishop of the Diocese of Manchester offered the Benediction:

Blessed are You, O Lord our God. All Your creation bespeaks Your goodness and kindness, and all earthly powers are to serve You. Help Governor Sununu, his Executive Council and the Legislature to fulfill their responsibilities worthily and well. For in honoring and striving to please You at all times, they will reverence every human person, respect and protect Your creation and labor for the establishment of a society of peace and justice and freedom for the people entrusted to them.

In a society that grows ever more complex, the questions that will seek their resolution are themselves more and more complicated and constantly more varied, daily trying the wisdom of a Solomon to achieve just responses.

Mindful, as our founding fathers declared over two centuries ago, that you have endowed mankind with certain inalienable rights, among them the right to life, liberty and the pursuit of happiness, we ask, Almighty God and Father, that in the process of discharging their duties to protect these rights, You bestow upon them a full measure of prudent reflection, an abundance of wisdom, courage, compassion and ever-constant vigilance.

We ask this, Eternal Father, in the confidence that You, the God of Justice and Mercy, will hear and answer our prayer. Amen.

Rep. Palumbo and Sen. Dupont moved that the Joint Convention arise.  
Adopted.

The Joint Convention adjourned.

HOUSE  
(Speaker in the Chair)

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today, it be to meet at the call of the Chair.  
Adopted.

LATE SESSION

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.  
Adopted.

The House recessed at 12:35 p.m.

RECESS

(Rep. Palumbo in the Chair)

ENROLLED BILLS REPORT

HB 48, extending filing deadlines of the financial disclosure law.

HB 49, relative to filling a vacancy in the office of the county treasurer.

Rep. Raymond C. Buckley  
Sen. John P. H. Chandler  
For the Committee.

RECESS

(Rep. Beverly Gage in the Chair)

Rep. Phelps offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 72 through 98 and Concurrent Resolution Proposing Constitutional Amendment numbered 6 and House Bill of Intent numbered 2008, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACR and HBI  
First, second reading and referral

HB 72-FN-A, relative to establishing the position of international trade specialist in the small business development center of the university system of New Hampshire at the college in Manchester. (King of Grafton Dist. 6; McCain of Rockingham Dist. 11; Matson of Cheshire Dist. 7; Bolduc of Belknap Dist. 10; Densmore of Grafton Dist. 3 - To Commerce, Small Business and Consumer Affairs)

HB 73-FN, relative to falconry. (McKinney of Rockingham Dist. 23; Schmidtchen of Rockingham Dist. 23; Boucher of Rockingham Dist 23; Sochalski of Rockingham Dist. 23; Hounsell of Dist. 2 - To Fish and Game)

HB 74-FN, relative to the positions of school district clerk and school district treasurer. (Boucher of Rockingham Dist. 23; Arnold of Rockingham Dist. 23; McKinney of Rockingham Dist. 23 - To Education)



HB 75-FN-A, relative to registration fees for pesticide products and making an appropriation to the division of pesticide control. (Townsend of Grafton Dist. 13; Schotanus of Sullivan Dist. 1 - To Environment and Agriculture)

HB 76-FN, relative to the coyote. (Bardsley of Merrimack Dist. 1 - To Fish and Game)

HB 77-FN, relative to establishing a committee to study the use of consultant contracts by the department of health and human services. (Green of Hillsborough Dist. 36 - To Health and Human Services)

HB 78-FN, relative to flying the POW-MIA flag over the state house. (Barnes of Rockingham Dist. 6 - To Public Protection and Veterans Affairs)

HB 79-A, relative to making a capital appropriation for Tip Top House. (LaMott of Grafton Dist. 5 - To Public Works)

HB 80-FN, relative to granting the town of Plaistow a 5 year exemption from participation in the southeast solid waste management district. (Schwaner of Rockingham Dist. 9; Ellyson of Rockingham Dist. 9; Haynes of Rockingham Dist. 9; Simon of Rockingham Dist. 9 - To Municipal and County Government)

HB 81-FN, relative to special license plates for spouses of deceased prisoners of war. (Sullivan of Hillsborough Dist. 39; Fields of Hillsborough Dist. 13 - To Transportation)

HB 82, relative to rate increases resulting from electric power produced by nuclear electric generating facility. (Hall of Merrimack Dist. 7 - To Science, Technology and Energy)

HB 83-A, relative to the Cornish-Windsor bridge and making an appropriation therefor. (Townsend of Sullivan Dist. 1; Schotanus of Sullivan Dist. 1; Rodeschin of Sullivan Dist. 2; Disnard of Dist. 8 - To Public Works)

HB 84-FN, relative to the veterans' exemption. (Matson of Cheshire Dist. 7 - To Municipal and County Government)

HB 85-A, relative to constructing a bypass on route 111 from the town of Windham to the town of Salem and making an appropriation therefor. (Campbell of Rockingham Dist. 20; Tilton of Rockingham Dist. 20; Nagel of Rockingham Dist. 20; Cooke of Rockingham Dist. 20 - To Public Works)

HB 86, relative to non-smoking areas in public restaurants. (Phelps of Merrimack Dist. 1; Simon of Rockingham Dist. 9 - To Health and Human Services)

HB 87, relative to revising the definition of "person" in the statutory construction chapter. (Blair of Grafton Dist. 8 - To Constitutional and Statutory Revision)

HB 88-FN, relative to the pesticide control board; rulemaking hearings, exemptions, and definitions. (Townsend of Grafton Dist. 13 - To Environment and Agriculture)

HB 89, relative to library regions. (Skinner of Rockingham Dist. 21 - To State Institutions and Housing)

HB 90, relative to membership on the New Hampshire automated information systems board. (Skinner of Rockingham Dist. 21 - To State Institutions and Housing)

HB 91-FN-A, relative to establishing a state liquor store in the town of Londonderry and making an appropriation therefor. (McKinney of Rockingham Dist. 23; Schmidtchen of Rockingham Dist. 23; Boucher of Rockingham Dist. 23; Sochalski of Rockingham Dist. 23; Arnold of Rockingham Dist. 23; Charbonneau of Dist. 14 - To Regulated Revenues)

HB 92, relative to a penalty for assault of police officers. (Bass of Hillsborough Dist. 7 - To Judiciary)

HB 93, relative to changing the date for observance of Memorial Day. (Matson of Cheshire Dist. 7; Copenhaver of Grafton Dist. 12; Robinson of Hillsborough Dist. 12; Freese of Dist. 4 - To Public Protection and Veterans Affairs)

HB 94, relative to real estate attachments. (Whittemore of Merrimack Dist. 10; Hess of Merrimack Dist. 9; Dexter of Belknap Dist. 8 - To Judiciary)

HB 95, relative to hunting accidents. (Dionne of Strafford Dist. 5 - To Fish and Game)

HB 96, relative to prohibiting wrongful life and wrongful birth actions. (Granger of Hillsborough Dist. 13; Donovan of Hillsborough Dist. 26 - To Judiciary)

HB 97-FN-A, relative to appropriating funds to the department of agriculture for inspection of apiaries. (Campbell of Rockingham Dist. 20; Ritzo of Rockingham Dist. 18 - To Environment and Agriculture)

HB 98, relative to adultery. (Jones of Hillsborough Dist. 20 - To Judiciary)

CACR 6, relating to a unicameral legislature. Providing that the legislature be a unicameral body called "the House of Delegates." (Robinson of Strafford Dist. 4 - To Constitutional and Statutory Revision)

CACR 7, relating to the composition and compensation of the general court. Providing that there be a unicameral legislature of 80 members and each member's salary shall be \$12,000. (Bennett of Grafton Dist. 9 - To Constitutional and Statutory Revision)

CACR 8, relating to acts and resolves of the general court. Providing that no act or resolve shall embrace more than a single subject matter or address any activities not directly associated with or related to that single subject matter. (McCain of Rockingham Dist. 11 - To Constitutional and Statutory Revision)

HBI 2008, relative to purchase, distribution and sale of table wine. (Packard of Hillsborough Dist. 15; Ahrens of Hillsborough Dist. 13; Pressly of Dist. 12 - To Regulated Revenues)

RECESS

(Rep. Beverly Gage in the Chair)

Rep. Phelps offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 99 and 178 through 186, and Concurrent Resolution Proposing Constitutional Amendment numbered 9 and House Bill of Intent numbered 2009, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS, CACR and HBI First, second reading and referral

HB 99-FN, relative to district court sessions in towns within a district. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 178-FN, to reduce the fee for vanity number plates. (MacDonald of Rockingham Dist. 7 - To Transportation)

HB 179-FN, relative to exempting wreckers from the requirements of RSA 375-B. (D'Amante of Sullivan Dist. 7 - To Transportation)

HB 180-FN, relative to establishing a study committee to examine the publication and distribution of session laws. (Sallada of Hillsborough Dist. 4 - To Legislative Administration)

HB 181-FN, relative to involuntary emergency hospitalization. (Gordon of Merrimack Dist. 7 - To Judiciary)

HB 182-FN, relative to delinquent accounts of liquor permittees. (Burns of Hillsborough Dist. 11; Reardon of Hillsborough Dist. 37; Drolet of Hillsborough Dist. 8; Stephen of Dist. 18 - To Regulated Revenues)

HB 183, relative to changing the statute of limitations on actions for medical injuries sustained by minors and on personal actions by persons under a disability. (Robinson of Strafford Dist. 4 - To Judiciary)



HB 184, relative to docking on public waters of the state. (Dingle of Strafford Dist. 4; Hardy of Belknap Dist. 4; Freese of Dist. 4 - To Resources, Recreation and Development)

HB 185, relative to authorizing any town to limit the number of consecutive terms of town officials. (Behrens of Sullivan Dist. 3 - To Municipal and County Government)

HB 186, relative to the appointment and terms of alternates for certain municipal offices. (Harrington of Hillsborough Dist. 7 - To Municipal and County Government)

CACR 9, relating to limiting sweepstakes funds to educational purposes. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. (Hawkins of Belknap Dist. 5 - To Constitutional and Statutory Revision)

HBI 2009, relating to long-range financing by municipalities. (Grodin of Cheshire Dist. 6; Callaghan of Strafford Dist. 11; McIntire of Carroll Dist. 4; West of Merrimack Dist. 21 - To Municipal and County Government)

#### RECESS

(Rep. Beverly Gage in the Chair)

Rep. Schwartz offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 187 through 199 and 201 through 213 and House Bill of Intent numbered 2010, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS and HBI First, second reading and referral

HB 187, to require a utility to submit a specific capital improvement plan before seeking exemption from interim zoning regulations. (Smith of Hillsborough Dist. 21; Robinson of Hillsborough Dist. 12 - To Municipal and County Government)

HB 188, relative to use of headlights in low visibility weather. (Knight of Hillsborough Dist. 6; Ramsay of Cheshire Dist. 10; Kinney of Strafford Dist. 6 - To Transportation)

HB 189-FN, eliminating certain restrictions on bank branching. (Burns of Hillsborough Dist. 11; Charbonneau of Dist. 14 - To Commerce, Small Business and Consumer Affairs)

HB 190-FN, relative to district court venue in landlord and tenant actions. (Green of Hillsborough Dist. 36 - To Judiciary)

HB 191, to prohibit the discharge of certain amounts of chlorine into the coastal waters off Hampton and Seabrook. (Cushing of Rockingham Dist. 14 - To Environment and Agriculture)

HB 192-FN-A, relative to an office of technical assistance for community planning and making an appropriation therefor. (Chambers of Grafton Dist. 12; Gross of Merrimack Dist. 16; Densmore of Grafton Dist. 3; Matson of Cheshire Dist. 7; Krasker of Dist. 24 - To Resources, Recreation and Development)

HB 193-FN-A, relative to liquor store relocation and making an appropriation therefor. (Boucher of Merrimack Dist. 9; Anderson of Merrimack Dist. 7; Rehlander of Merrimack Dist. 8; Riley of Merrimack Dist. 9 - To Regulated Revenues)

HB 194-FN-A, reducing the meals and rooms tax rate to 6 percent. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 195, prohibiting the taking of private property by eminent domain for any facet of the nuclear industry. (Cushing of Rockingham Dist. 14; Beaton of Merrimack Dist. 3 - To Science, Technology and Energy)

HB 196, establishing a study committee to determine the feasibility of establishing ATV trails on rights of way of state highways. (Scanlan of Grafton Dist. 11; Vaughn of Rockingham Dist. 27; Perham of Hillsborough Dist. 10; Bond of Dist. 1 - To Fish and Game)

HB 197, repealing the living will law. (Granger of Hillsborough Dist. 13; Gagnon of Hillsborough Dist. 29 - To Judiciary)

HB 198, relative to the definition of death. (Granger of Hillsborough Dist. 13; Gagnon of Hillsborough Dist. 29 - To Judiciary)

HB 199-FN, relative to advance warning signs where speed bumps are located. (Benton of Rockingham Dist. 5 - To Transportation)

HB 201-FN, relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property. (Arnesen of Grafton Dist. 7; Parker of Cheshire Dist. 11 - To State Institutions and Housing)

HB 202-FN, relative to membership on county conventions. (Rounds of Grafton Dist. 10 - To Municipal and County Government)

HB 203-FN, relative to the premature shutdown and decommissioning costs of any nuclear electric facility in New Hampshire. (Bowler of Belknap Dist. 2 - To Science, Technology and Energy)

HB 204-FN, requiring supervisors of the checklist in the New England states to be notified when a voter is added to a checklist in New Hampshire. (Wells of Rockingham Dist. 5 - To Constitutional and Statutory Revision)

HB 205, providing local government representation on the New Hampshire retirement system board of trustees. (Townsend of Sullivan Dist. 1; West of Merrimack Dist. 21 - To Executive Departments and Administration)

HB 206-FN-A, to establish a state disaster assistance fund. (Campbell of Rockingham Dist. 20 - To Public Protection and Veterans Affairs)

HB 207-FN, prohibiting the transfer of a permit to operate a solid or hazardous waste disposal site without a public hearing. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 208-FN, relative to the limit on trout taken by fly fishing in Clarksville Pond in the town of Clarksville. (Marsh of Coos Dist. 1; - To Fish and Game)

HB 209-FN, relative to the conditions for receiving certain property tax exemptions. (Matsen of Cheshire Dist. 7 - To Municipal and County Government)

HB 210, relative to emergency expenditures by towns. (Jacobson of Merrimack Dist. 2 - To Municipal and County Government)

HB 211, relative to warrants for bond issues by towns. (Jacobson of Merrimack Dist. 2 - To Municipal and County Government)

HB 212, relative to unemployment compensation. (Dionne of Strafford Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 213, relative to guardians for minors and the correction of statutory references for certain appeals. (Parker of Cheshire Dist. 11 - To Children, Youth and Elderly Affairs)

HB 2101, relating to the authority of solid waste management districts. (Greene of Rockingham Dist. 18 - To Environment and Agriculture)

RECESS

(Rep. Beverly Gage in the Chair)

Rep. Cushing offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 214 through 228 and House Bill of Intent numbered 2011, shall be by this resolution read a first and second time by

the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and HBI  
First, second reading and referral

HB 214-FN, relative to penalties for violations of motor vehicle laws by minors. (G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7; - To Transportation)

HB 215-FN, relative to certain expenses for laying out a highway at the request of a petitioner. (Benton of Rockingham Dist. 5 - To Public Works)

HB 216-FN, requiring all moneys received for the driver training fund to be expended on driver education only, with any excess to be lapsed into the highway fund. (Hawkins of Belknap Dist. 5 - To Transportation)

HB 217-FN, relative to nursing home care costs paid by counties. (Spaulding of Sullivan Dist. 6; Jones of Strafford Dist. 6; Oleson of Coos Dist. 7; Nelson of Coos Dist. 8; Copenhaver of Grafton Dist. 12; Disnard of Dist. 8 - To Health and Human Services)

HB 218-FN, requiring kindergarten education in all school districts. (Hawkins of Belknap Dist. 5 - To Education)

HB 219-FN-A, establishing a shooting range in the state and making an appropriation therefor. (Riley of Merrimack Dist. 9 - To Fish and Game)

HB 220-FN, relative to the removal of petroleum powered vehicles from surface waters of the state. (Locke of Belknap Dist. 6; Jensen of Belknap Dist. 6; Freese of Dist. 4 - To Resources, Recreation and Development)

HB 221, to revive the charter of the Pequawket Foundation, a nonprofit organization. (Dickinson of Carroll Dist. 2 - To Constitutional and Statutory Revision)

HB 222-FN, permitting the city of Claremont to hold its city election on the same day the state general election is held. (Normandin of Sullivan Dist. 8; Disnard of Dist. 8 - To Constitutional and Statutory Revision)

HB 223, relative to hazardous waste operator permits. (Rounds of Grafton Dist. 10 - To Environment and Agriculture)

HB 224-FN, establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible. (Walter of Grafton Dist. 13; Gordon of Cheshire Dist. 5 - To Transportation)

HB 225, relative to stream reclassification of certain waters of the state. (Conroy of Rockingham Dist. 7; Jacobson of Hillsborough Dist. 26; Pressly of Dist 12 - To Resources, Recreation and Development)

HB 226, allowing the use of an historical weir for the taking of alewives. (Copenhaver of Grafton Dist. 12 - To Fish and Game)

HB 227, requiring notification of late payments by subcontractors to unions. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 228, to legalize the 1985 Plymouth town meeting. (Driscoll of Grafton Dist. 8 - To Municipal and County Government)

HBI 2011, relating to providing an incentive for employers to operate day care facilities. (Skinner of Rockingham Dist. 21 - To Children, Youth and Elderly Affairs)

RECESS

(Rep. Phelps in the Chair)

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 229 through 246 and House Resolution numbered

15, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and HR  
First, second reading and referral

HB 229, relative to the exemption of skeet, trap, shooting sports clubs and owners of shooting ranges from any civil or criminal actions relating to noise pollution. (Riley of Merrimack of Dist. 9; Schofield of Carroll Dist. 4; Parker of Cheshire Dist. 11; Jensen of Belknap Dist. 6; Heath of Dist. 3 - To Fish and Game)

HB 230, establishing a hotline for missing children. (Wheeler of Hillsborough Dist. 10; Bean of Grafton Dist. 13; Wallner of Merrimack Dist. 18; Moore of Hillsborough Dist. 5; Podles of Dist. 16; McLane of Dist. 15; White of Dist. 11 - To Children, Youth and Elderly Affairs)

HB 231-FN, relative to updating master plans once every 5 years. (Dykstra of Hillsborough Dist. 39; Schneiderat of Hillsborough Dist. 34 - To Municipal and County Government)

HB 232-FN, relative to the homestead exemption for disabled veterans. (Stio of Merrimack Dist. 5; Fields of Hillsborough Dist. 13 - To Municipal and County Government)

HB 233-FN, to permit citizens to sue state agencies to ensure the enforcement of statutes and rules over which the state agencies have enforcement authority. (Bowler of Belknap Dist. 2; Campbell of Rockingham Dist. 20 - To Judiciary)

HB 234-FN, establishing a petition process by which residents may change the location and time of legislative hearings. (King of Grafton Dist. 6 - To Legislative Administration)

HB 235-A, relative to replacing the Westville bridge and making an appropriation therefor. (Schwaner of Rockingham Dist. 9; Ellyson of Rockingham Dist. 9; Haynes of Rockingham Dist. 9; Bartlett of Dist. 19; Delahunty of Dist. 22 - To Public Works)

HB 236, relative to durable powers of attorney. (Townsend of Sullivan Dist. 1 - To Children, Youth and Elderly Affairs)

HB 237, limiting the civil liabilities of volunteers working on behalf of nonprofit organizations. (Cooke of Rockingham Dist. 20; Campbell of Rockingham Dist. 20; Delahunty of Dist. 22 - To Judiciary)

HB 238-FN-A, relative to establishing a memorial to Christa McAuliffe and making an appropriation therefor. (Sallada of Hillsborough Dist. 4 - To Appropriations)

HB 239-FN, making the Portsmouth district court a full time court. (Blanchard of Rockingham Dist. 26; Chase of Rockingham Dist. 28; Vaughn of Rockingham Dist. 27; Pantelakos of Rockingham Dist. 24; Sanderson of Rockingham Dist. 25; Kraker of Dist. 24 - To Judiciary)

HB 240, relative to septic inspections on waterfront properties. (Schofield of Carroll Dist. 4; Bennett of Grafton Dist. 9; Freese of Dist. 4; Heath of Dist. 3 - To Resources, Recreation and Development)

HB 241-FN, relative to workers' compensation. (Hawkins of Belknap Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 242, relative to the powers of the fish and game commission and the appointment of the executive director of the fish and game commission. (Perham of Hillsborough Dist. 10; Jensen of Belknap of Dist. 6; Magoon of Rockingham Dist. 13 - To Fish and Game)

HB 243-FN, allowing state fringe benefits for veterinarians appointed by the pari-mutuel commission. (Wall of Strafford Dist. 4 - To Executive Departments and Administration)

HB 244-FN-A, establishing a study committee to review existing fire laws and making an appropriation therefor. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 245, relative to a husband's liability for payment of his wife's resident tax. (Arnesen of Grafton Dist. 7 - To Municipal and County Government)

HB 246, relative to prime contractor liability. (Young of Cheshire Dist. 1 - To Labor, Industrial and Rehabilitative Services)

HR 15, requesting the New Hampshire delegation to introduce legislation in Congress forbidding importation of radioactive waste material into Hampton-Seabrook harbor. (Cushing of Rockingham Dist. 14 - To State-Federal Relations)

RECESS

(Rep. Sallada in the Chair)

Rep. Rodeschen offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 247 through 271, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 247-FN, relative to the workers' compensation advisory council. (Nichols of Merrimack Dist. 2; Freese of Dist. 4 - To Labor, Industrial and Rehabilitative Services)

HB 248, allowing the expulsion of unruly persons from horse and dog racetrack grounds. (MacDonald of Carroll Dist. 6 - To Regulated Revenues)

HB 249-FN, relative to the shore frontage and acreage at the Laconia state school and training center. (Dexter of Belknap Dist. 8 - To Resources, Recreation and Development)

HB 250-FN-A, making an appropriation to the Conway village fire district. (Hounsell of Carroll Dist. 2; Chandler of Carroll Dist. 1; Allard of Carroll Dist. 2; Dickinson of Carroll Dist. 2; Hounsell of Dist. 2; Heath of Dist. 3 - To Resources, Recreation and Development)

HB 251-FN-A, repealing the real estate transfer tax. (Pierce of Cheshire Dist. 17 - To Ways and Means)

HB 252-FN-A, reducing the rate of the business profits tax to 7.95 percent. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 253-FN, increasing the percentage of the real estate transfer tax returned to the register of deeds or the county. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 254-FN, relative to fish and game publications and miscellaneous retail items. (Powers of Carroll Dist. 5 - To Fish and Game)

HB 255-FN, dedicating the federal Wallop-Breaux funds, with state matching funds, for the establishment of boat launching access and making an appropriation therefor. (Boucher of Rockingham Dist. 23 - To Resources, Recreation and Development)

HB 256-FN-A, making an appropriation for snowplowing sidewalks at Hampton beach. (Hollingworth of Rockingham Dist. 17; Pevear of Rockingham Dist. 17; Walker of Rockingham Dist. 17; Parr of Rockingham Dist. 17; Preston of Dist. 23 - To Public Works)

HB 257, relative to enforcement of speed limits. (D'Amante of Sullivan Dist. 7 - To Transportation)

HB 258-FN, establishing a committee to study whether liability insurance should be mandatory for OHRVs, snowmobiles, ATVs and organized OHRV clubs. (Scanlan of Grafton Dist. 11; Perham of Hillsborough Dist. 10; Vaughn of Rockingham Dist. 27; Bond of Dist. 1 - To Commerce, Small Business and Consumer Affairs)



HB 259, relative to the alcohol content in alcoholic beverages. (LaMott of Grafton Dist. 5; O'Rourke of Hillsborough Dist. 35 - To Regulated Revenues)

HB 260-FN-A, providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor. (Warburton of Rockingham Dist. 6 - To Public Works)

HB 261-A, relative to filing business profits tax returns. (Felch of Rockingham Dist. 14; Powers of Carroll Dist. 5; Pantelakos of Rockingham Dist. 24 - To Ways and Means)

HB 262-FN-A, relative to reimbursements to municipalities for emergency repairs made to state highways and making an appropriation therefor. (Ritzo of Rockingham Dist. 18 - To Municipal and County Government)

HB 263-FN-A, establishing the arts development program and making an appropriation therefor. (Ramsay of Cheshire Dist. 10; Sallada of Hillsborough Dist. 4 - To Education)

HB 264, relative to the composition of the court accreditation commission. (Robinson of Strafford Dist. 4 - To Judiciary)

HB 265-FN-A, relative to incarcerated veterans and making an appropriation therefor. (Ellyson of Rockingham Dist. 9; Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 266, relative to the state veterans' needs committee. (Ellyson of Rockingham Dist. 9; Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 267-FN, relative to a moose season. (Theriault of Coos Dist. 8 - To Fish and Game)

HB 268-FN-A, establishing an academy of science, arts, and technological innovation and making an appropriation therefor. (Newell of Rockingham Dist. 7 - To Science, Technology and Energy)

HB 269-FN-A, relative to the appropriation for motor vehicle replacement. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 270-FN-A, establishing a tribute to deceased legislators and making an appropriation therefor. (O'Rourke of Hillsborough Dist. 35; Burkush of Hillsborough Dist. 43; Chretien of Hillsborough Dist. 33; Reidy of Hillsborough Dist. 45 - To Legislative Administration)

HB 271-FN-A, relative to enhancing local economic development. (Jean of Strafford Dist. 10 - To Resources, Recreation and Development)

RECESS

(Rep. Beverly Gage in the Chair)

Rep. Phelps offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 272 through 290, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS First, second reading and referral

HB 272, providing relocation assistance for tenants of discontinued manufactured housing parks. (Doucette of Cheshire Dist. 17 - To State Institutions and Housing)

HB 273-FN-A, relative to congregate services programs and making an appropriation therefor. (Bourque of Hillsborough Dist. 35; LaMott of Grafton Dist. 5; O'Rourke of Hillsborough Dist. 35; Champagne of Hillsborough Dist. 48; Moore of Hillsborough Dist. 5; Podles of Dist. 16; St. Jean of Dist. 20; Stephen of Dist. 18 - To State Institutions and Housing)

HB 274-FN, requiring impact statements for zoning amendment proposals. (Dykstra of Hillsborough Dist. 39; Normandin of Sullivan Dist. 8; King of Grafton Dist. 6; Nelson of Dist. 13 - To Municipal and County Government)

HB 275-FN, establishing a public investments study committee. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 276-FN-A, relative to the rate of the real estate transfer tax. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 277-FN, continuing the task force to study mental health services. (Lindblade of Sullivan Dist. 5; Bond of Dist. 1 - To Health and Human Services)

HB 278-FN, relative to acupuncture. (Simon of Rockingham Dist. 9; Heath of Dist. 3 - To Health and Human Services)

HB 279-FN, creating a board of examiners in ophthalmic dispensing. (Stio of Merrimack Dist. 5 - To Health and Human Services)

HB 280, relative to water usage. (Blair of Grafton Dist. 8 - To Resources, Recreation and Development)

HB 281-FN, establishing a study committee on teacher shortages and salaries. (Wadsworth of Grafton Dist. 13; Robinson of Merrimack Dist. 3; Disnard of Dist. 8 - To Education)

HB 282-FN-A, relative to an exemption from the road toll. (Durant of Hillsborough Dist. 32 - To Transportation)

HB 283, relative to employment termination. (Knight of Merrimack Dist. 14; Wall of Strafford Dist. 4; Weddle of Rockingham Dist. 24; Buckley of Hillsborough Dist. 42 - To Labor, Industrial and Rehabilitative Services)

HB 284-FN-A, making an appropriation for a conference on day care. (Skinner of Rockingham Dist. 21; O'Rourke of Hillsborough Dist. 35; Wallner of Merrimack Dist. 18 - To Children, Youth and Elderly Affairs)

HB 285, relative to overtime work. (Dionne of Strafford Dist. 5; Pantelakos of Rockingham Dist. 24 - To Labor, Industrial and Rehabilitative Services)

HB 286-A, relative to the construction of a Route 102 bypass from the town of Londonderry to the town of Raymond and making an appropriation therefor. (P. Katsakiores of Rockingham Dist. 7; Fesh of Rockingham Dist. 7; Wright of Rockingham Dist. 23; G. Katsakiores of Rockingham Dist. 7; MacDonald of Rockingham Dist. 7 - To Public Works)

HB 287-FN, relative to kindergarten. (Hawkins of Belknap Dist. 5; Wallner of Merrimack Dist. 18; Sanderson of Rockingham Dist. 25 - To Education)

HB 288-FN-A, establishing an office of victim/witness assistance and making an appropriation therefor. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 289-A, relative to criminal records and making an appropriation therefor. (Eaton of Cheshire Dist. 4 - To Judiciary)

HB 290-FN-A, relative to prenatal programs and making an appropriation therefor. (Torr of Strafford Dist. 6; Krasker of Dist. 24 - To Health and Human Services)

RECESS

(Rep. Harold Burns in the Chair)

Rep. Phelps offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 291 through 299 and 301 through 315, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.



INTRODUCTION OF HOUSE BILLS  
First, second reading and referral

HB 291, relative to cosmetology. (Sanderson of Rockingham Dist. 25 - To Commerce, Small Business and Consumer Affairs)

HB 292-FN, permitting permanent policemen who serve as field representatives for the police standards and training council and permanent firemen who serve with the fire standards and training commission to continue as group II members of the New Hampshire retirement system. (Gordon of Merrimack Dist. 7 - To Executive Departments and Administration)

HB 293-FN-A, relative to foster family homes and making an appropriation therefor. (Lozeau of Hillsborough Dist. 25; Ingram of Sullivan Dist. 4; Robinson of Hillsborough Dist. 12; Campbell of Rockingham Dist. 20; Matson of Cheshire Dist. 7; McLane of Dist. 15; White of Dist. 11; Nelson of Dist. 13; Domini of Sullivan Dist. 5; Charbonneau of Dist. 14 - To Children, Youth and Elderly Affairs)

HB 294-FN-A, exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park. (King of Grafton Dist. 6; Doucette of Cheshire Dist. 17; Dickinson of Carroll Dist. 2; Lussier of Strafford Dist. 8; Pressly of Dist. 12 - To State Institutions and Housing)

HB 295-FN, relative to the board of tax and land appeals. (West of Merrimack Dist. 21; Packard of Hillsborough Dist. 15 - To Executive Departments and Administration)

HB 296-FN-A, establishing a department of securities and making an appropriation therefor. (McCain of Rockingham Dist. 11; Campbell of Belknap Dist. 5; Lindblade of Sullivan Dist. 5; Pantzer of Merrimack Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 297-A, relative to the purchase of outstanding shares of stock of the Northern Railroad and making an appropriation therefor. (Hoar of Rockingham Dist. 6; Whittemore of Merrimack Dist. 10 - To Transportation)

HB 298-FN, relative to the land use change tax. (Cole of Cheshire Dist. 3 - To Environment and Agriculture)

HB 299-FN-A, continuing pari-mutuel tax credits for dog races, and raising the limit therefor. (Hawkins of Belknap Dist. 5; Pearson of Belknap Dist. 5; MacDonald of Carroll Dist. 6; Blaisdell of Dist. 10 - To Regulated Revenues)

HB 301, providing civil immunity from liability for volunteers serving as athletic coaches or sports officials for nonprofit associations. (Fesh of Rockingham Dist. 7; Hawkins of Belknap Dist. 5; Stonner of Hillsborough Dist. 11; Palumbo of Rockingham Dist. 10; G. Katsakiores of Rockingham Dist. 7; Blaisdell of Dist. 10; Hounsell of Dist. 2 - To Judiciary)

HB 302-FN-A, transferring excess litter removal funds to the statewide lilac account. (Rounds of Grafton Dist. 10; Tarpley of Hillsborough Dist. 9 - To Appropriations)

HB 303-FN, relative to fees collected by the New Hampshire port authority. (Vaughn of Rockingham Dist. 27; Blanchard of Rockingham Dist. 26; Chase of Rockingham Dist. 28; Ritzo of Rockingham Dist. 18; Krasker of Dist. 24 - To Transportation)

HB 304-FN-A, relative to simulcast racing. (Hawkins of Belknap Dist. 5; Pearson of Belknap Dist. 5; Blaisdell of Rockingham Dist. 13; MacDonald of Carroll Dist. 6; Kelley of Hillsborough Dist. 13; Blaisdell of Dist. 10 - To Regulated Revenues)

HB 305-FN-A, relative to a public safety awareness commission and making an appropriation therefor. (Pappas of Hillsborough Dist. 37; Chase of Rockingham Dist. 28; Green of Hillsborough Dist. 36; Sochalski of Rockingham Dist. 23; Hough of Dist. 5; McLane of Dist. 15 - To Transportation)

HB 306, limiting the horsepower of boat motors on Marchs Pond in the town of New Durham and prohibiting the use of jet skis on said pond. (Bates of Strafford Dist. 1 - To Resources, Recreation and Development)

HB 307-FN-A, relative to the financing of regional planning commissions and making an appropriation therefor. (Perry of Cheshire Dist. 10; Matson of Cheshire Dist. 7; Pevear of Rockingham Dist. 17; LaMott of Grafton Dist. 5; Torr of Dist. 21 - To Resources, Recreation and Development)

HB 308-FN-A, establishing a fire standards and training commission fund. (Matson of Cheshire Dist. 7 - To Public Protection and Veterans Affairs)

HB 309-FN-A, relative to the Nansen ski jump and making an appropriation therefor. (Nelson of Coos Dist. 8; Brungot of Coos Dist. 8; Theriault of Coos Dist. 8; Coulombe of Coos Dist. 8; Oleson of Coos Dist. 7; Lemire of Coos Dist. 8; Kilbride of Coos 8; Bond of Dist. 1 - To Public Works)

HB 310-A, relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor. (Jacobson of Hillsborough Dist. 26; Zis of Hillsborough Dist. 28; Levesque of Hillsborough Dist. 30; O'Rourke of Hillsborough Dist. 35; Nelson of Dist. 13; Pressly of Dist. 12 - To Public Works)

HB 311-A, relative to the rehabilitation of the Westminster bridge on Routes 12 and 123 in the town of Walpole and making an appropriation therefor. (Miller of Cheshire Dist. 1; Young of Cheshire Dist. 1 - To Public Works)

HB 312, to legalize 2 town meetings held in Canaan. (Scanlan of Grafton Dist. 11; Christy of Grafton Dist. 11; Hammond of Grafton Dist. 11 - To Municipal and County Government)

HB 313-A, relative to resurfacing of Route 3-A and reconstruction of sections of Route 3-A in the towns of Hudson, Litchfield, and the city of Manchester and making an appropriation therefor. (Robinson of Hillsborough Dist. 12; Smith of Hillsborough Dist. 21; Charbonneau of Dist. 14 - To Public Works)

HB 314-FN-A, providing assistance to school districts for the purpose of replacing underground storage tanks and making an appropriation therefor. (Gross of Merrimack Dist. 16 - To Education)

HB 315, relative to the definition of sending district. (Gross of Merrimack Dist. 16 - To Children, Youth and Elderly Affairs)

RECESS

(Rep. Arnesen in the Chair)

Rep. Cushing offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 316 through 330, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 316-FN-A, permitting refunds for stamps destroyed after affixing to tobacco products. (Sytek of Rockingham Dist. 20; Gage of Rockingham Dist. 20; Blaisdell of Dist. 10 - To Ways and Means)

HB 317-FN-A, to tax smokeless tobacco and other tobacco products. (Whittemore of Merrimack Dist. 10 - To Regulated Revenues)

HB 318-FN-A, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor. (Rehlander of Merrimack Dist. 8; Flint of Sullivan Dist. 2; Wadsworth of Grafton Dist. 13 - To Children, Youth and Elderly Affairs)

HB 319-FN-A, establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers. (Champagne of Hillsborough Dist. 48; Bourque of Hillsborough Dist. 35 - To Children, Youth and Elderly Affairs)

HB 320-FN-A, relative to the definition of a hotel under the meals and rooms tax. (Bourque of Hillsborough Dist. 35; Champagne of Hillsborough Dist. 48 - To Ways and Means)

HB 321-FN-A, creating the Connecticut River Valley resource authority and making an appropriation therefor. (Miller of Cheshire Dist. 1; Parker of Cheshire Dist. 11; Schotanus of Sullivan Dist. 1; Chambers of Grafton Dist. 12; Bond of Dist. 1; Dinsard of Dist. 8; Blaisdell of Dist. 10 - To Resources, Recreation and Development)

HB 322-FN-A, relative to the AIDS virus and making an appropriation therefor. (Butler of Rockingham Dist. 11; Copenhaver of Grafton Dist. 12; Wilson of Strafford Dist. 4; Chase of Rockingham Dist. 28; Ramsay of Cheshire Dist. 10; Krasker of Dist. 24; Dupont of Dist. 6; Torr of Dist. 21 - To Health and Human Services)

HB 323-FN-A, relative to school instruction in the Heimlich maneuver and making an appropriation therefor. (Derosier of Hillsborough Dist. 26; Reardon of Hillsborough Dist. 37; Kinney of Strafford Dist. 6; Price of Hillsborough Dist. 28; Pressly of Dist. 12 - To Education)

HB 324-FN-A, establishing a state land use and development plan and making an appropriation therefor. (Bennett of Grafton Dist. 9 - To Resources, Recreation and Development)

HB 325-FN-A, relative to the distribution of sweepstakes revenues. (Robinson of Hillsborough Dist. 12; Nelson of Dist. 13; Krasker of Dist. 24 - To Ways and Means)

HB 326-FN-A, establishing homemaker services for certain persons and making an appropriation therefor. (Hager of Merrimack Dist. 21; Wixson of Belknap Dist. 5 - To Health and Human Services)

HB 327-A, relative to funding for a pulp and paper technology program at the New Hampshire vocational-technical college at Berlin. (Walker of Rockingham Dist. 17; LaMott of Grafton Dist. 5; Robinson of Hillsborough Dist. 12; Bond of Dist. 1 - To Education)

HB 328-FN-A, relative to business profits tax liens. (Ahrens of Hillsborough Dist. 13 - To Judiciary)

HB 329-A, relative to estimated tax payments for railroads and public utilities. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 330-FN-A, relative to an exception to the real estate transfer tax. (Hayes of Merrimack Dist. 21 - To Ways and Means)

RECESS

(Rep. Palumbo in the Chair)

Rep. Maurice MacDonald offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 331 through 375, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS  
First, second reading and referral

HB 331-FN-A, increasing the interest and dividends tax exemption. (Schmidtchen of Rockingham Dist. 23 - To Ways and Means)

HB 332-FN-A, relative to full-time marital masters and making an appropriation therefor. (Chretien of Hillsborough Dist. 33; Jones of Hillsborough Dist. 20 - To Judiciary)

HB 333-FN-A, relative to video poker machines. (Pantelakos of Rockingham Dist. 24 - To Regulated Revenues)

HB 334-FN-A, relative to the out-of-state student incentive program and making an appropriation therefor. (Riley of Cheshire Dist. 5; Robinson of Hillsborough Dist. 12; O'Rourke of Hillsborough Dist. 35; Hough of Dist. 5; Blaisdell of Dist. 10 - To Education)

HB 335-FN-A, relative to the business profits tax on the sale of a corporation. (Dickinson of Carroll Dist. 2; Heath of Dist. 3; Bond of Dist. 1; Freese of Dist. 4 - To Ways and Means)

HB 336-FN-A, requiring permits for projects affecting the water quality of the surface waters or groundwaters of the state and making an appropriation therefor. (Whittemore of Merrimack Dist. 10 - To Resources, Recreation and Development)

HB 337-FN-A, establishing an education equalization fund. (Rehlander of Merrimack Dist. 8 - To Education)

HB 338-FN-A, relative to the senior companions and foster grandparents programs and making an appropriation therefor. (Townsend of Sullivan Dist. 1; Nelson of Dist. 13 - To Children, Youth and Elderly Affairs)

HB 339-FN-A, relative to lead paint abatement and making an appropriation therefor. (Fraser of Merrimack Dist. 6; Wallner of Merrimack Dist. 18; Green of Hillsborough Dist. 36; Copenhaver of Grafton Dist. 12; Freese of Dist. 4; Nelson of Dist. 13 - To Health and Human Services)

HB 340-FN-A, establishing a child care facilities fund. (Cushing of Rockingham Dist. 14 - To Children, Youth and Elderly Affairs)

HB 341-FN, relative to educational activities by the liquor commission and making an appropriation therefor. (Lefebvre of Hillsborough Dist. 29 - To Regulated Revenues)

HB 342-FN-A, providing funds for towns and cities and making an appropriation therefor. (Hess of Merrimack Dist. 9 - To Ways and Means)

HB 343-FN-A, relative to the mooring of boats on the lakes and ponds in the state and making an appropriation therefor. (Locke of Belknap Dist. 6 - To Resources, Recreation and Development)

HB 344-FN-A, relative to the probate courts, the salaries of probate judges, and making an appropriation therefor. (Arnesen of Grafton Dist. 7 - To Judiciary)

HB 345-FN-A, relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor. (Gage of Rockingham Dist. 13; Preston of Dist. 23; Krasker of Dist. 24 - To Judiciary)

HB 346-FN-A, establishing a tax on illegal drugs and relative to criminal drug penalties. (Proulx of Strafford Dist. 2 - To Ways and Means)

HB 347-FN-A, relative to the dental hygienist program at the New Hampshire technical institute and making an appropriation therefor. (Fillion of Merrimack Dist. 15 - To Education)

HB 348-FN-A, relative to the division for children and youth services and appropriating funds for certain employee benefits. (Parker of Cheshire Dist. 11 - To Children, Youth and Elderly Affairs)

HB 349-FN-A, relative to special education and certified programs for children and youth in out-of-home placements and making an appropriation therefor. (Parker of Cheshire Dist. 11 - To Children, Youth and Elderly Affairs)

HB 350-FN-A, relative to costs for educationally handicapped students and making an appropriation therefor. (Arnott of Cheshire Dist. 14; Blacketor of Cheshire Dist. 12 - To Education)

HB 351-FN-A, establishing a special needs housing task force and making an appropriation therefor. (Rehlander of Merrimack Dist. 8; Bourque of Hillsborough Dist. 35 - To State Institutions and Housing)

HB 352-FN-A, relative to the return of revenue to cities and towns. (Hager of Merrimack Dist. 21; Keans of Strafford Dist. 11; Schotanus of Sullivan Dist. 1; Matson of Cheshire Dist. 7 - To Ways and Means)

HB 353-FN-A, relative to condominium conversions and assessing a condominium conversion tax. (Reardon of Hillsborough Dist. 37 - To State Institutions and Housing)

HB 354-FN-A, relative to the Franklin-Laconia connector and making an appropriation therefor. (Whittemore of Merrimack Dist. 10; Dexter of Belknap Dist. 8 - To Public Works)

HB 355-FN-A, relative to the assumption of local probation functions by the state and making an appropriation therefor. (Sytek of Rockingham Dist. 20; Robinson of Strafford Dist. 4; Parker of Cheshire Dist. 11; Nelson of Dist. 13 - To Judiciary)

HB 356-FN-A, establishing a real estate speculation capital gains tax. (Weddle of Rockingham Dist. 24 - To Ways and Means)

HB 357-FN-A, relative to respite care in area agencies and making an appropriation therefor. (Derosier of Hillsborough Dist. 26; Jacobson of Hillsborough Dist. 26; Price of Hillsborough Dist. 28 - To Health and Human Services)

HB 358-FN-A, relative to a special needs housing loan fund and making an appropriation therefor. (Rehlander of Merrimack Dist. 8 - To State Institutions and Housing)

HB 359-FN-A, relative to medicaid rates in certified nursing homes and making an appropriation therefor. (Parks of Strafford Dist. 6; Pappas of Hillsborough Dist. 37; Derosier of Hillsborough Dist. 26; Price of Hillsborough Dist. 28; McLane of Dist. 15 - To Health and Human Services)

HB 360-FN-A, relative to the task force studying the classified personnel system for state government and making an appropriation therefor. (Bates of Strafford Dist. 1 - To Appropriations)

HB 361-FN-A, redefining references to the United States Internal Revenue Code for purposes of the business profits tax. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 362-FN-A, relative to returns and taxable meals under the meals and rooms tax. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 363-FN-A, relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 364-FN-A, establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation therefor. (Shriver of Hillsborough Dist. 11 - To Environment and Agriculture)

HB 365-FN-A, relative to a motor vehicle excise tax system. (Hayes of Merrimack Dist. 21 - To Transportation)

HB 366-FN-A, making a supplemental appropriation to the University of New Hampshire cooperative extension service. (Sherburne of Rockingham Dist. 2; Millard of Merrimack Dist. 4; Johnson of Rockingham Dist. 1; Schotanus of Sullivan Dist. 1; Campbell of Rockingham Dist. 20; Whittemore of Merrimack Dist. 10 - To Appropriations)

HB 367-FN-A, making a supplemental appropriation to the University of New Hampshire cooperative extension service. (Sherburne of Rockingham Dist. 2; Millard of Merrimack Dist. 4; Johnson of Rockingham Dist. 1; Schotanus of Sullivan Dist. 1; Campbell of Rockingham Dist. 20; Whittemore of Merrimack Dist. 10 - To Appropriations)

HB 368-FN-A, increasing the AFDC shelter allowance and making an appropriation therefor. (Spaulding of Sullivan Dist. 6; Holmes of Merrimack Dist. 13 - To Children, Youth and Elderly Affairs)



HB 369-FN-A, relative to the rate of the business profits tax. (Grip of Hillsborough Dist. 7; Dexter of Belknap Dist. 8; Rodeschin of Sullivan Dist. 2; Jones of Strafford Dist. 6; Pantzer of Merrimack Dist. 11; Torr of Dist. 21 - To Ways and Means)

HB 370-FN-A, relative to employment opportunity and making an appropriation therefor. (King of Grafton Dist. 12; Densmore of Grafton Dist. 3; Green of Hillsborough Dist. 36; Pappas of Hillsborough Dist. 37; Podles of Dist. 16; Krasker of Dist. 24; St. Jean of Dist. 20 - To Health and Human Services)

HB 371-FN-A, relative to the compromise of an action against the state and making an appropriation therefor. (Kidder of Merrimack Dist. 2 - To Appropriations)

HB 372-FN-A, relative to the regulation of first and second mortgage home loans and making an appropriation therefor. (Lindblade of Sullivan Dist. 5; Pantzer of Merrimack Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 373-FN-A, relative to family life education and making an appropriation therefor. (Wadsworth of Grafton Dist. 13; Sanderson of Rockingham Dist. 25; Walker of Rockingham Dist. 17; Krasker of Dist. 24 - To Education)

HB 374-FN-A, permitting the operation of on-line video poker machines at certain facilities and making an appropriation therefor. (D'Amante of Sullivan Dist. 7 - To Regulated Revenues)

HB 375-FN-A, establishing incentives for day care centers. (Hawkins of Belknap Dist. 5; O'Rourke of Hillsborough Dist. 35; Cushing of Rockingham Dist. 14; Wallner of Merrimack Dist. 18; Reardon of Hillsborough Dist. 37 - To Children, Youth and Elderly Affairs)

## RECESS

### STATUTORY APPOINTMENTS

#### ADMINISTRATIVE RULES (RSA 541-A:11)

Rep. Sara M. Townsend	Sen. Jean T. White
Rep. Ada L. Mace	Sen. Rhona M. Charbonneau
Rep. Philip H. Weymouth	Sen. Mark Hounsell
Rep. Marion L. Copenhaver	Sen. Clesson Blaisdell
Rep. Margaret A. Ramsay	Sen. Mary S. Nelson

#### ADVISORY BUDGET CONTROL COMMITTEE (RSA 9:13-a)

Rep. William F. Kidder	Sen. Clesson J. Blaisdell
Rep. John B. Hammond	Sen. Edward C. Dupont, Jr.
Rep. Margaret A. Ramsay	Sen. Ralph Degnan Hough

#### AUTOMATED INFORMATION SYSTEMS BOARD (RSA 201-A:24)

Rep. Raymond H. Gourdeau	Sen. Jean T. White
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#### CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J)

Rep. Ralph W. Pearson	Sen. Franklin G. Torr
Rep. James C. Chamberlin	Sen. John P. H. Chandler
Rep. William J. Driscoll	Sen. Jean T. White
Rep. Paul I. LaMott	Sen. Mary S. Nelson
Rep. William R. Matson	
Rep. John B. Hammond	

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## CIVIL DEFENSE ADVISORY COUNCIL (RSA 107:5)

Rep. Richardson D. Benton      Sen. William A. Johnson

## CURRENT USE ADVISORY BOARD (RSA 79-A:3)

Rep. Frank E. McIntire      Sen. Rhona M. Charbonneau

## DAM MANAGEMENT REVIEW COMMITTEE (RSA 482:74)

Rep. Howard C. Dickinson      Sen. Mark Hounsell  
Rep. Mary Ann Lewis      Sen. Robert F. Preston  
Rep. Charles H. Dingle      Sen. James R. St. Jean  
Rep. MaryAnn N. Blanchard      Sen. George E. Freese

## EDUCATION COMMISSION OF THE STATES (RSA 200-G:2)

Rep. E. Jane Walker      Sen. George Dignard

## ELDERLY AFFAIRS (RSA 17-H)

Rep. Ednapearl F. Parr      Sen. John P. H. Chandler  
Rep. Mary C. Holmes      Sen. Eleanor P. Podles  
Rep. Joe B. Parks

## EMPLOYMENT RELATIONS (RSA 273-A:9, V)

Rep. W. Douglas Scamman, Jr.      Sen. William S. Bartlett, Jr.  
Rep. Vincent J. Palumbo, Jr.      Sen. Edward C. Dupont  
Rep. Mary P. Chambers      Sen. Robert F. Preston  
Rep. William F. Kidder      Sen. Clesson J. Blaisdell  
Rep. Kathleen W. Ward      Sen. Sheila Roberge  
Rep. Avis B. Nichols      Sen. Joseph L. Delahunty  
Rep. Patti Blanchette      Sen. George E. Freese

## FINANCIAL DISCLOSURE IMPLEMENTATION COMMITTEE (RSA 15-B:8)

Rep. Richard A. Grodin      Sen. Charles D. Bond  
Rep. Roland A. Sallada      Sen. Sheila Roberge  
Rep. Marian R. Harrington      Sen. Jean T. White  
Rep. Edward Densmore      Sen. James R. St. Jean

## FISCAL COMMITTEE (RSA 14:30-a)

Rep. William F. Kidder      Sen. Clesson J. Blaisdell  
Rep. Elizabeth Hager      Sen. Ralph Degnan Hough  
Rep. Howard C. Townsend      Sen. Franklin G. Torr  
Rep. Paul I. LaMott  
Rep. William R. Matson

## HALFWAY HOUSE ADVISORY COMMISSION (RSA 172-A:4)

Rep. Robert A. Lockwood      Sen. Robert A. Stephen  
Rep. Ralph Parker  
Rep. Deborah L. Arnesen

## HAZARDOUS MATERIAL TRANSPORTATION ADVISORY BOARD (RSA 149-H:1)

Rep. Elizabeth A. Greene      Sen. Rhona M. Charbonneau



## HEALTH AND WELFARE OVERSIGHT COMMITTEE (RSA 126-A:8)

Rep. Matthew M. Sochalski	Sen. Elaine S. Krasker
Rep. Gertrude I. Butler	Sen. Susan McLane
Rep. Robert F. Wilson	Sen. Charles D. Bond
Rep. Marion L. Copenhaver	Sen. Jean T. White
Rep. Gladys M. Cox	Sen. Eleanor P. Podles

## HISTORICAL COMMITTEE (RSA 17-I)

Rep. W. Douglas Scamman, Jr.	Sen. William S. Bartlett, Jr.
Rep. Roland A. Sallada	Sen. Edward C. Dupont, Jr.
Rep. Vincent J. Palumbo, Jr.	Sen. Robert F. Preston
Rep. Mary P. Chambers	Sen. Roger C. Heath

## INTERSTATE COOPERATION COMMISSION (RSA 19:2)

Rep. Vincent J. Palumbo, Jr.	Sen. Jean T. White
Rep. Beverly A. Gage	Sen. John P. H. Chandler
Rep. Emma B. Wheeler	Sen. Charles D. Bond

## LEGISLATIVE FACILITIES (RSA 17-E:2)

Rep. W. Douglas Scamman, Jr.	Sen. William S. Bartlett, Jr.
Rep. Vincent J. Palumbo, Jr.	Sen. Eleanor P. Podles
Rep. Mary P. Chambers	Sen. Edward C. Dupont, Jr.
Rep. William F. Kidder	Sen. Clesson J. Blaisdell, Jr.
Rep. Harold W. Burns	Sen. Robert F. Preston
Rep. Kathleen W. Ward	Sen. Ralph Degnan Hough

## LEGISLATOR ORIENTATION (RSA 17-C)

Rep. Beverly A. Gage	Sen. Edward C. Dupont
Rep. Elizabeth Hager	Sen. Robert F. Preston
Rep. Margaret A. Ramsay	Sen. William S. Bartlett, Pres.
W. Douglas Scamman, Jr., Speaker	Wilmont S. White, Senate Clerk
Carl A. Peterson, House Clerk	
Lynne C. Dennis, Director Legislative Services	

## LONG RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M)

Rep. Vincent J. Palumbo, Jr.	Sen. Franklin G. Torr
Rep. Beaton Marsh	Sen. Mark Hounsell
Rep. Robert G. Holbrook	Sen. Susan McLane
Rep. William R. Matson	Sen. Robert A. Stephen

## NATIONAL GUARD SCHOLARSHIP FUND (RSA 110-B:62)

Rep. David A. Welch	Sen. George Disnard
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## NEW ENGLAND BOARD OF HIGHER EDUCATION (RSA 200-A:3)

Rep. Arthur Tufts	Sen. George Disnard
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## NEW HAMPSHIRE BOARD OF CLAIMS (RSA 541-B:3)

Rep. Leo W. Fraser, Jr.	Sen. Charles D. Bond
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## NEW HAMPSHIRE CHILD ABUSE TRUST FUND BOARD (RSA 169-C:39-d)

Rep. Mary Jane Wallner	Sen. Eleanor P. Podles
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NORTHERN NEW ENGLAND LOW-LEVEL RADIOACTIVE  
WASTE MANAGEMENT COMPACT (RSA 125-E)

Rep. Ednapearl F. Parr

Sen. Charles D. Bond

NUCLEAR WASTE POLICY ADVISORY COMMITTEE (RSA 125-G:4)

Rep. Robert B. Holmes

Sen. Edward C. Dupont, Jr.

M. Arnold Wight (citizen)

REORGANIZATION IMPLEMENTATION (RSA 17-L)

Rep. Robert S. Hawkins

Sen. William S. Bartlett, Jr.

Rep. William F. McCain

Sen. Joseph Delahunt

Rep. Wayne D. King

Sen. George E. Freese

Rep. Edward Densmore

Sen. Robert F. Preston

Sen. Clesson J. Blaisdell

REVIEW OF AGENCIES AND PROGRAMS (SUNSET) (RSA 17-F:2)

Rep. W. Douglas Scamman, Jr.

Sen. Edward C. Dupont, Jr.

Rep. Vincent J. Palumbo, Jr.

Sen. George E. Freese

Rep. Beverly A. Gage

Sen. Ralph Degnan Hough

Rep. MaryAnn N. Blanchard

Sen. Clesson J. Blaisdell

Rep. Wayne D. King

Sen. James R. St. Jean

UNIVERSITY SYSTEM STUDY COMMITTEE (RSA 187-A:26)

Rep. Arthur Tufts

Sen. Charles D. Bond

Rep. William J. Hounsell

Sen. George F. Disnard

Rep. William A. Riley

Sen. Ralph Degnan Hough

Rep. Jeffrey C. Miller

Rep. Dennis R. Bolduc

WORKERS' COMPENSATION (RSA 281:55)

Rep. Maurice B. MacDonald

Sen. George E. Freese

EXCELLENCE IN EDUCATION - GOVERNOR'S STEERING COMMITTEE (Ch. 317:5,1985)

Rep. Walter K. Robinson

Sen. George F. Disnard

Rep. Karen O. Wadsworth

Sen. William A. Johnson

LEGISLATIVE AGENCIES

Director of Legislative Services: Lynne M. Dennis, Esquire

Legislative Budget Assistant: Charles L. Connor

Deputy Legislative Budget Assistant: Michael L. Buckley

Legislative Accountant: George C. Coronis

JOINT CONVENTION

Rep. W. Douglas Scamman, Jr., Chairman

RECESS

(Rep. Conroy in the Chair)

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 376 through 455 and House Resolution numbered 16 and House Joint Resolution numbered 1 and Concurrent Resolutions Proposing Constitutional Amendments numbered 14 through 16 and House Concurrent Resolution numbered 3 and House Bills of Intent numbered 2012 and 2013, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HR, HJR, CACRs, HCR and HBIs  
First, second reading and referral

HB 376-FN-A, relative to Alzheimer's disease and related disorders and making an appropriation therefor. (Mason of Hillsborough Dist. 8; Townsend of Sullivan Dist. 1; Oleson of Coos Dist. 7; Appleby of Strafford Dist. 11; Whittimore of Merrimack Dist. 10; McLane of Dist. 15; Hounsell of Dist. 2; Torr of Dist. 21; Pressly of Dist. 12; Disnard of Dist. 8 - To Health and Human Services)

HB 377, to liquidate encumbrances and lapse available balances on certain capital accounts. (LaMott of Grafton Dist. 5; Matson of Cheshire Dist. 7 - To Appropriations)

HB 378, relative to boating on Iona Lake in the town of Albany and Middle Pea Porridge Pond in the town of Madison and Big Pea Porridge Pond in the towns of Madison and Conway. (Holmes of Carroll Dist. 3 - To Resources, Recreation and Development)

HB 379-FN, establishing state owned public land preserves. (Dexter of Belknap Dist. 8 - To Resources, Recreation and Development)

HB 380, relative to inclusion of roadways in manufactured housing parks in the definition of a "way." (Lussier of Strafford Dist. 8 - To Municipal and County Government)

HB 381-FN, relative to growth limitation. (Gage of Rockingham Dist. 20 - To Municipal and County Government)

HB 382, relative to boating law enforcement. (Jensen of Belknap Dist. 6 - To Resources, Recreation and Development)

HB 383-FN, relative to road tolls. (Gordon of Cheshire Dist. 5; Walter of Grafton Dist. 13; Haynes of Rockingham Dist. 9 - To Transportation)

HB 384, limiting contributions from political committees to candidates to \$100. (Maviglio of Belknap Dist. 1 - To Constitutional and Statutory Revision)

HB 385, relative to public amusements. (Green of Hillsborough Dist. 36 - To Commerce, Small Business and Consumer Affairs)

HB 386, adopting the uniform trade secrets act. (Grip of Hillsborough Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 387, relative to small employers. (Routhier of Hillsborough Dist. 47 - To Labor, Industrial and Rehabilitative Services)

HB 388, relative to siting of low-level radioactive waste disposal facilities. (Robinson of Merrimack Dist. 3 - To Environment and Agriculture)

HB 389, relative to postsecondary educational requirements for funeral directors. (Robinson of Merrimack Dist. 3 - To Education)

HB 390, relative to damages recoverable for non-economic loss in personal actions. (Nagel of Rockingham Dist. 20 - To Judiciary)

HB 391, creating a division of agricultural development in the department of agriculture using currently available funding and

personnel. (Schotanus of Sullivan Dist. 1; Campbell of Rockingham Dist. 20; Millard of Merrimack Dist. 4; Sherburne of Rockingham Dist. 2 - To Environment and Agriculture)

HB 392, relative to donated sick leave within the department of postsecondary vocational-technical education. (McGovern of Rockingham Dist. 27 - To Executive Departments and Administration)

HB 393, relative to actions to determine the existence or extent of insurance coverage. (Nixon of Hillsborough Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 394, permitting persons covered by a group health policy to obtain an individual policy with identical limits upon termination of the group policy. (Nixon of Hillsborough Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 395, relative to horsepower of motors used on Glen Lake in the town of Goffstown. (Nixon of Hillsborough Dist. 6 - To Resources, Recreation and Development)

HB 396-FN, authorizing special license plates for district court justices. (Fields of Hillsborough Dist. 13; Kelley of Hillsborough Dist. 13 - To Transportation)

HB 397, changing the time for counting absentee ballots. (Korcoulis of Hillsborough Dist. 38 - To Constitutional and Statutory Revision)

HB 398, relative to custody and support orders. (Lown of Hillsborough Dist. 9 - To Judiciary)

HB 399, clarifying that the prison sentence for a second or subsequent DWI offense shall be served on 7 consecutive days. (Chandler of Merrimack Dist. 21 - To Judiciary)

HB 400, relative to qualifications of the bank commissioner, deputy bank commissioner, and professional personnel of the banking department. (Pantzer of Merrimack Dist. 11; Lindblade of Sullivan Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 401-FN, relative to video tape depositions. (Lozeau of Hillsborough Dist. 25 - To Judiciary)

HB 402, relative to habitual offenders. (Fields of Hillsborough Dist. 13; Kelley of Hillsborough Dist. 13; Holmes of Merrimack Dist. 13 - To Transportation)

HB 403-FN, clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations. (Lown of Hillsborough Dist. 9; Grodin of Cheshire Dist. 6; Smith of Hillsborough Dist. 21; Reardon of Hillsborough Dist. 37; White of Dist. 11 - To Judiciary)

HB 404-FN, establishing a road pay-back fee system. (Smith of Hillsborough Dist. 21; Jacobson of Hillsborough Dist. 26; Robinson of Hillsborough Dist. 12; Donovan of Hillsborough Dist. 26 - To Municipal and County Government)

HB 405, establishing a presumption of negligence for liability resulting from a nuclear incident. (Chambers of Grafton Dist. 12; Parr of Rockingham Dist. 17; King of Grafton Dist. 12; Sochalski of Rockingham Dist. 23; Reardon of Hillsborough Dist. 37 - To Science, Technology and Energy)

HB 406, relative to the priority of unpaid employee wages in insolvency proceedings. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 407-FN, amending the way in which the town of Londonderry shall collect its taxes for fiscal years 1987-1994. (Wright of Rockingham Dist. 23; Boucher of Rockingham Dist. 23; Arnold of Rockingham Dist. 23; McKinney of Rockingham Dist. 23; Sochalski of Rockingham Dist. 23 - To Municipal and County Government)

HB 408-FN, relative to establishing a uniform fine schedule for boating violations. (Jensen of Belknap Dist. 6; Brown of Belknap Dist. 4; Blaisdell of Dist. 10; Freese of Dist. 4 - To Resources, Recreation and Development)

HB 409, requiring a grace period on finance charges imposed on credit card purchases. (Arnesen of Grafton Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 410, providing for representatives from certain sending districts on school boards. (Shriver of Hillsborough Dist. 11 - To Education)

HB 411-FN, relative to DWI penalties and sentencing. (Lussier of Strafford Dist. 8; Gage of Hillsborough Dist. 6 - To Judiciary)

HB 412, relative to the residency requirement for persons running for the office of state representative. (Vaughn of Rockingham Dist. 27 - To Constitutional and Statutory Revision)

HB 413, changing the hours for holding sessions for the correction of the checklist. (Cressy of Rockingham Dist. 16 - To Constitutional and Statutory Revision)

HB 414, relative to reckless conduct. (Eaton of Cheshire Dist. 4 - To Judiciary)

HB 415, relative to motor vehicle weights. (Arnesen of Grafton Dist. 7 - To Transportation)

HB 416, concerning the presumption of procedural compliance in the enactment of municipal legislation. (Harrington of Hillsborough Dist. 7 - To Municipal and County Government)

HB 417, prohibiting discrimination against podiatrists. (Holmes of Merrimack Dist. 13; Lewis of Merrimack Dist. 5; Green of Hillsborough Dist. 36; Stephen of Dist. 18 - To Health and Human Services)

HB 418, relative to mutual holding companies. (Pantzer of Merrimack Dist. 11; Lindblade of Sullivan Dist. 5; Whittemore of Merrimack Dist. 10 - To Commerce, Small Business and Consumer Affairs)

HB 419-FN, relative to smoking in public places and in the work place. (Arnott of Cheshire Dist. 14 - To Health and Human Services)

HB 420, restricting power boats on Pemigewasset Lake in the towns of New Hampton and Meredith. (Maviglio of Belknap Dist. 1; Brown of Belknap Dist. 4; Hounsell of Dist. 2 - To Resources, Recreation and Development)

HB 421, permitting the appointment of alternate members to conservation commissions. (Maviglio of Belknap Dist. 1 - To Resources, Recreation and Development)

HB 422-FN, creating a committee to study and revise the laws pertaining to elderly persons. (Townsend of Sullivan Dist. 1; Parks of Strafford Dist. 6; Hounsell of Dist. 2 - To Children, Youth and Elderly Affairs)

HB 423, relative to qualifications for registering to vote. (Reardon of Hillsborough Dist. 37 - To Constitutional and Statutory Revision)

HB 424, relative to the fixing of public utility rates by the public utilities commission. (Hall of Merrimack Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 425-FN, relative to the powers of the adult parole board and credits for good conduct. (Parker of Cheshire Dist. 11 - To Judiciary)

HB 426, allowing the rendition pursuant to the Interstate Compact on Juveniles of a juvenile charged with delinquency. (Parker of Cheshire Dist. 11 - To Children, Youth and Elderly Affairs)

HB 427, relative to the powers of arrest of probation-parole officers. (Parker of Cheshire Dist. 11 - To Judiciary)

HB 428, providing adult probation-parole officers with powers of arrest in criminal matters. (Parker of Cheshire Dist. 11 - To Judiciary)

HB 429, allowing the commissioner of corrections to delegate authority in his absence to the assistant commissioner. (Parker of Cheshire Dist. 11 - To State Institutions and Housing)

HB 430, relative to school employees upon district reorganization. (Robinson of Merrimack Dist. 3 - To Education)

HB 431, relative to treasury deposits. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 432, authorizing licensed practical nurses to administer medication to inmates of correctional institutions. (Ahrens of Hillsborough Dist. 13 - To Health and Human Services)



HB 433, relative to the termination of county employees. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)

HB 434, relative to the public employee labor relations board. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 435-FN, creating a committee to study head injuries in New Hampshire. (Zis of Hillsborough Dist. 28 - To Health and Human Services)

HB 436, relative to insurance coverage for home health care. (Butler of Rockingham Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 437, relative to motorboat and jet ski operation. (Brown of Belknap Dist. 4; Jensen of Belknap Dist. 6 - To Resources, Recreation and Development)

HB 438, relative to applicants for armed security guard and armed private detective licenses. (Malcolm of Rockingham Dist. 17 - To Public Protection and Veterans Affairs)

HB 439, relative to child passenger restraints. (Malcolm of Rockingham Dist. 17 - To Transportation)

HB 440, relative to intrastate motor carriers. (Malcolm of Rockingham Dist. 17 - To Transportation)

HB 441, relative to cremation. (Carpenito of Rockingham Dist. 20 - To Health and Human Services)

HB 442, extending certain temporary rulemaking authority of the commissioner of labor. (Nichols of Merrimack Dist. 2 - To Labor, Industrial and Rehabilitative Services)

HB 443, relative to the composition of a master plan. (Brungot of Coos Dist. 8; Dykstra of Hillsborough Dist. 39 - To Municipal and County Government)

HB 444, relative to discovery in criminal cases. (Eaton of Cheshire Dist. 4; Johnson of Merrimack Dist. 5 - To Judiciary)

HB 445, relative to the taking of depositions by criminal defendants. (Eaton of Cheshire Dist. 4; Johnson of Merrimack Dist. 5 - To Judiciary)

HB 446, relative to the registration of partnerships and corporations. (Reardon of Hillsborough Dist. 37 - To Commerce, Small Business and Consumer Affairs)

HB 447, relative to the right to know law. (Koromilas of Strafford Dist. 6 - To Judiciary)

HB 448, relative to mandatory liability coverage. (Dexter of Belknap Dist. 8 - To Commerce, Small Business and Consumer Affairs)

HB 449, relative to disciplinary actions for sexual misconduct of psychotherapists and a duty to report sexual misconduct of psychotherapists. (Dexter of Belknap Dist. 8 - To Health and Human Services)

HB 450, relative to the speed limit on state highways. (Hoar of Rockingham Dist. 6 - To Transportation)

HB 451, relative to sterilization and abortion. (Dexter of Belknap Dist. 8; Hounsell of Dist. 2 - To Health and Human Services)

HB 452, relative to a provisional drivers' licensing program for persons under 18. (Malcolm of Rockingham Dist. 17; Haynes of Rockingham Dist. 9 - To Transportation)

HB 453, relative to appointment procedures for the wetlands board. (Bardsley of Merrimack Dist. 1 - To Environment and Agriculture)

HB 454, relative to proof of exceptions. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 455, relative to criminal mischief. (Gage of Rockingham Dist. 13 - To Judiciary)

CACR 14, relating to gender-specific language. Providing that all gender-specific terminology be removed from the constitution. (Cushing of Rockingham Dist. 14; McGovern of Rockingham Dist. 27 - To Constitutional and Statutory Revision)

CACR 15, relating to a reapportionment commission and the size of the house and senate. Providing that there be a 10-member reapportionment commission which shall establish single member districts for the house and senate, congressional districts, and executive councilor districts; and that the house range in size from 200 to 400 members and the senate from 24 to 48 members. (Hall of Hillsborough Dist. 16 - To Constitutional and Statutory Revision)

CACR 16, relating to the rules, practices, and procedures of the supreme court. Providing that statutory law prevail against conflicting supreme court enactments. (Gordon of Merrimack Dist. 7; Pierce of Cheshire Dist. 17 - To Constitutional and Statutory Revision)

HBI 2012, relating to developing a comprehensive, long-range, coordinated state energy plan. (Randall of Belknap Dist. 3; Foss of Coos Dist. 2; Palumbo of Rockingham Dist. 10 - To Science, Technology and Energy)

HBI 2013, relating to development of a comprehensive solid waste disposal plan. (Holmes of Carroll Dist. 3 - To Environment and Agriculture)

HJK 1, relative to the New Hampshire Agricultural experiment station. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HCR 3, relative to accidents involving nuclear power plants. (Robinson of Merrimack Dist. 3 - To Science, Technology and Energy)

HR 16, urging the United States Congress to permit the refund of public utility federal tax over collections. (Daschbach of Cheshire Dist. 2 - To State-Federal Relations)

RECESS

(Speaker in the Chair)

Rep. Palumbo moved that the House adjourn.  
Adopted.



# HOUSE JOURNAL 4

*Tuesday, 10Feb87*

The House assembled at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

O Light of the worlds, source of all that we have and all that we are, as we gather here touch our hearts and minds with Your holy presence.

As we wrestle with dollars and cents, with balances and deficits, our heads may reel with the pressures of trying to comprehend so much.

Some will dazzle and even baffle with their knowledge of facts and figures, while others may sit in silence, feeling themselves unable to contribute. Grant, O God, that we may remain attentive to the task before us, listening and speaking with patience.

Give us the wisdom to take the long view of our needs in this State that we may never forget the generations who will inherit from us the good or ill of the actions and decisions made today.

And so, Holy God, by Your grace make us equal to the challenge. Amen.

Rep. Blacketer led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Boisvert, Romoli, Schwaner, Sullivan and McManus, the day, illness.

Reps. Levesque, Holbrook, Gagnon, Rodgers, Wright, Gordon Arnold, Frew and Merton Mann, the day, important business.

Reps. Joseph MacDonald, Cutting, Nagel and Joyce, the day, illness in the family.

## VACATES

Rep. Elizabeth Greene moved that the House vacate the reference of HB 191, to prohibit the discharge of certain amounts of chlorine into the coastal waters off Hampton and Seabrook, to the Committee on Environment and Agriculture.

Adopted.

The Speaker referred HB 191 to the Committee on Resources, Recreation and Development.

Rep. Ezra Mann moved that the House vacate the reference of HB 64, relative to requiring direct notification of certain persons of public hearings on location of solid and hazardous waste disposal sites, and HB 80-FN, relative to granting the town of Plaistow a 5 year exemption from participation in the southeast solid waste management district, to the Committee on Municipal and County Government.

Adopted.

The Speaker referred HB 64 and HB 80-FN to the Committee on Environment and Agriculture.

Rep. Pearson moved that the House vacate the reference of HB 215-FN, relative to certain expenses for laying out a highway at the request of a petitioner, to the Committee on Public Works.

Adopted.

The Speaker referred HB 215 to the Committee on Municipal and County Government.

Rep. Robert Kelley moved that the House vacate the reference of CACR 3, relating to the adjournment of the house of representatives and the senate. Providing that neither branch of the legislature may adjourn itself for more than 3 days during any regular or special session without the consent of the other, to the Committee on Legislative Administration.

Adopted.

The Speaker referred CACR 3 to the Committee on Constitutional and Statutory Revision.

Rep. Hawkins moved that the House vacate the reference of HB 177-FN, relative to sunset review of veterinary/medical/optometric education program, to the Committee on Executive Departments and Administration.

Adopted.

The Speaker referred HB 177-FN to the Committee on Education.

Reps. Palumbo and Chambers offered the following:

RESOLVED, that the Honorable Senate be notified that the House is ready to meet in Joint Convention at 1:20 p.m. for the purpose of hearing the Governor's Capital Budget message.

Adopted.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 198, relative to the definition of death, was removed at the request of Rep. Granger.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 44, requiring rest rooms in certain grocery stores. Inexpedient to Legislate.

It was felt that this matter of rest rooms in stores of 60,000 square feet or more was better handled at the municipal level. Vote 18-0.

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

HB 136-FN, relative to sunset review of public utilities commission - gas - pipeline carriers. Ought to Pass.

House Bill 136 covers the Sunset Review of the Program Appropriations Unit - gas - pipeline carriers. It is to be renewed for the sole purpose of accepting a federal grant for a program of gas pipeline safety. Vote 18-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

HB 74-FN, relative to the positions of school district clerk and school district treasurer. Inexpedient to Legislate.

The Committee felt that the procedures for appointing school district clerk and treasurer were already built into existing statutes. This bill would take away an election right of the voters. Vote 15-0. Rep. Mable G. Cutting for Education.

HB 155-FN, relative to sunset review of the board of education - food and nutrition. Ought to Pass.

The Sunset Review Report on the Food and Nutrition Section of the Department of Education was most favorable to the findings and efficiency of this division. The Committee supports its continuation. Vote 17-0. Rep. Patricia M. Skinner for Education.

HB 105-FN, relative to sunset review of the secretary of state - legislative services. Ought to Pass.

The Committee agrees with the Sunset Committee that the Secretary of State - Legislative Services, has the responsibility of preparing and printing a manual, the so-called "Red Book," under the direction of Governor and Council, should be renewed under the Sunset Law. Vote 18-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

HB 60-FN, relative to indemnification of fish and game department volunteers. Ought to Pass.

This bill provides volunteers, under Fish and Game direction, defense and indemnification from civil suits. The Committee feels this is the least that it can do for volunteers! Vote 17-0. Rep. Milton G. Jensen for Fish and Game.

HB 73-FN, relative to falconry. Ought to Pass with Amendment.

The Committee feels that this bill will produce a program of protection and education for the falcon population in the state. The endangered peregrine is protected still, and this bill will enhance this species. The public hearing had a multitude of falconers from 4 states supporting the sport. Only 7 states do not allow falconry now, all contingent states allow it. Vote 15-0. Rep. William P. Boucher for Fish and Game.

#### Amendment

Amend RSA 209-A:1, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Raptor" means a live migratory bird of the family Accipitridae or of the family Falconidae.

Amend RSA 209-A:3, III as inserted by section 1 of the bill by replacing it with the following:

III. The executive director, with the consent of the commission, may establish, by rules under RSA 541-A, an open season or closed season for the taking of certain game animals, game birds, and small game by the use of raptors in falconry in any county of the state, or any portion thereof. Such rules shall include, but not be limited to, the length of the season, bag limits, and methods of taking.

HB 76-FN, relative to the coyote. Inexpedient to Legislate.

The sportsmen of New Hampshire should not be responsible for farmers' damages due to the act of the coyote. Farmers have been losing stock due to Mother Nature's chain for centuries. This legislation will be very costly to the sportsmen in the State which has no control over coyote activity. Vote 17-0. Rep. Douglas A. Corrigan for Fish and Game.

HB 95, relative to hunting accidents. Ought to Pass.

This is a housekeeping bill bringing the hunting accident laws into conformity with the Criminal Code. Vote 17-0. Rep. Albert J. Dionne for Fish and Game.

HB 23, relative to halfway houses. Ought to Pass.

Testimony on this bill gave conclusive evidence of its appropriateness, and the Committee was unanimous (17-0) in its vote of Ought to Pass. Rep. Lawrence A. Chase for Health and Human Services.

HB 77-FN, establishing a committee to study the use of consultant contracts by the department of health and human service. Inexpedient to Legislate.

The Committee feels that no information has been given as to the inefficiency of the present awarding of contracts. Also, there is an oversight committee that meets year-round and can explore contract awards if there is such a need. Contracts will also be reviewed by Subcommittees and Sunset legislation. Vote 17-0. Rep. Robert M. Gilbreth for Health and Human Services.

HB 94, relative to real estate attachments. Inexpedient to Legislate. This legislation was voted Inexpedient to Legislate by a vote of 13-0 because the bill was found to be duplicative of the provision of RSA 511:55, II. Rep. David W. Hess for Judiciary.

HB 128-FN, relative to sunset review of civil defense. Ought to Pass. The Committee was of the opinion that the Civil Defense agency was discharging its duties and responsibilities in an excellent fashion and should be continued in operation through June 1991. Vote 15-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

HB 129-FN, relative to sunset review of disaster office. Ought to Pass.

The "Disaster Office," an integral part of the Civil Defense Agency, has performed its disaster planning functions in an excellent manner and the Committee recommends its continuance through June 1993. Vote 15-0. George T. Musler for Public Protection and Veterans Affairs.

HB 130-FN, relative to sunset review of the fire standards and training commission. Ought to Pass.

Testimony in favor of the continuance of the Fire Standards and Training Commission indicated that the training of fire service personnel was of high caliber and that the fire departments of the State had benefited from the training. The Committee recommends the continuance of the agency through July 1, 1993. Vote 14-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

HB 139-FN, relative to sunset review of the police standards and training council. Ought to Pass.

By personal visit to the Police Academy, and by testimony received, the Committee is convinced that the Police Standards and Training Council and the Police Academy are doing an excellent job in upgrading the knowledge and expertise of local law enforcement officers. The Committee recommends the continuance of the Council through July 1, 1993. Vote 14-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

HB 140-FN, relative to sunset review of the police standards and training council - corrections. Ought to Pass.

Testimony of the Commissioner of the New Hampshire Department of Corrections indicated that the training program for "prison corrective officers," conducted by the Police Academy, had greatly enhanced the abilities and knowledge of the prison correction officers. The Committee recommends the continuance of the corrections program through July 1993. Vote 14-0. George T. Musler for Public Protection and Veterans Affairs.

HB 21-FN-A, relative to improvement of the state boat launch on Crystal Lake in the town of Enfield and making an appropriation therefor. Ought to Pass.

This bill recommends the removal of large boulders, a hazardous condition, at the state boat-launch site on Crystal Lake in Enfield. Project funding will be shared by the Wallop-Breaux federal funds and State funds on a three-to-one basis with Fish and Game. Vote 17-0. Reps. Wayne Spear and Irene B. Cid for Resources, Recreation and Development.

Referred to Appropriations.

HB 28, relative to retention schedules for depository libraries. Ought to Pass.

This bill was requested by the State Library Council, and would authorize the Commissioner of Libraries, Arts, and Historical Resources with rulemaking authority to depository libraries and retention schedules for State publications. Vote 13-0. Rep. Karen McRae for State Institutions and Housing.

HB 89, relative to library regions. Ought to Pass.

This bill was requested by the Library Council. Passage provides that each of the 4 Library regions shall coincide geographically with the local automated systems and may also include one or more cooperatives. The bill further authorizes the Commissioner to set the number and boundaries of regions as the automated networks develop. The goal of the legislation is to promote the most efficient use of local and State Library resources. Vote 13-0. Rep. Karen McRae for State Institutions and Housing.

HB 148-FN, relative to sunset review of Glencliff home for the elderly. Ought to Pass.

The vote of the Committee on HB 148 was unanimous (12-0) to accept the Sunset report for the Glencliff Home for the Elderly for six more years. The General Court shall retain its full power to make amendments to or to terminate Glencliff Home for the Elderly, pursuant to RSA 17-G:9. Rep. Ednapearl F. Parr for State Institutions and Housing.

HB 149-FN, relative to sunset review of Laconia state school and training center. Ought to Pass.

The Committee unanimously voted for passage of HB 149 relative to the renewal of the Laconia State School and Training Center for 6 years. The Committee was impressed by the Sunset Committee report and with the way its findings were presented before the Committee. Vote 12-0. Rep. Karen K. McRae for State Institutions and Housing.

HB 81-FN, relative to special license plates for spouses of deceased prisoners of war. Inexpedient to Legislate.

The bill that resulted in the present law was clear that the plates should not be issued after the passing of the original holder. Passage of this bill would undoubtedly bring similar requests from other groups holding special plates and this would create enormous administrative problems. Vote 14-0. Rep. Irvin H. Gordon for Transportation.

HB 137-FN, relative to sunset review of the department of safety - administration and support. Ought to Pass.

The report of the Sunset Committee was favorable with a strong recommendation that the present setup be continued. No one appeared in opposition to the bill. Vote 14-0. Rep. Irvin H. Gordon for Transportation.



## RECONSIDERATION

Rep. Alf Jacobson moved that the House reconsider its action whereby it killed HB 94, relative to real estate attachments, and spoke to his motion.

Adopted.

Rep. Whittemore moved that HB 94, relative to real estate attachments be recommitted to the Committee on Judiciary.

Adopted.

## RECESS

## SENATE MESSAGE

The Senate is ready to meet with the House in Joint Convention.

JOINT CONVENTION  
(Speaker presiding)

The Governor addressed the Joint Convention briefly.

Mr. Speaker, Mr. Senate President, Honorable members of the General Court:

The Capital programs we fund in the State of New Hampshire represent our investment in providing the assets to meet current and future needs. I am here today to present you with a broad package which outlines the major capital expenditures we propose to be authorized and begun over the next couple of years.

Let us first, however, take a few moments to summarize what we have accomplished over the past two biennial periods in revitalizing and rebuilding those capital assets.

We can all be proud of the coordinated investment and commitment of resources that have been made. These efforts have moved us well along to our goal of providing the citizens of the State of New Hampshire with modern, efficient facilities for the delivery of services and fulfilling our institutional responsibilities.

We have made significant investments to build modern, efficient facilities for mental health, for the prison system, for State offices, for our parks and roads, and for improving the availability and access to services for the public.

Specifically, two years ago we provided the authorization and funding for the central psychiatric facility now being built in Concord. That clear commitment to quality of service was the catalyst which permitted us to develop a contractual agreement with Dartmouth College. That combination of a quality facility and a link to the Dartmouth medical community will allow us to provide exemplary psychiatric services as the cornerstone to what is now recognized as the finest mental health delivery system in the country.

In the last biennium, we also laid out plans and made the requisite commitments of funds to implement our program for completion of the basic network of New Hampshire highways over the next decade.

We also have provided the funds for rebuilding the administrative and service facilities for the Fish and Game Department, for our system of higher education, and for the completion of our area and regional system of services for the developmentally disabled.

Our recommendations today will round out these efforts to refurbish our assets and represent the investment required to deal with our anticipated needs over the years to come.



As you will note from the proposed package, the bulk of the funds requested would fund the construction of another major expansion of the State Prison system.

Four years ago we provided the funds for the construction of what is essentially a completely new State Prison. These modern facilities replaced antiquated structures then being used, and also expanded the capacity.

Less than a decade ago, the capacity of our State facilities was stretched to accommodate 250 prisoners. Our system now can handle around 800. I hasten to point out that this current level represents an increase of about 200 inmates in the last 24 months, with clear projections for a steady continuation of that growth.

With the current rate of growth of the State Prison population, the capacity of the existing facilities will soon be stretched to their limits.

In order to continue to meet our responsibility to the citizens of our State and to assure them that those convicted of crimes will be punished by appropriate prison terms, we must make this investment now.

We are also providing funds for the Department of Corrections to fulfill the commitment we made last year to construct facilities to provide for incarceration of our female prisoners here within the state.

Our efforts to refurbish and rehabilitate State buildings for cost-effective use continues.

This Capital Budget contains funds to upgrade a number of buildings now being used or which could be made available to departments and agencies currently housed in rental space.

Funds have been included for Johnson Hall, Spaulding Hall and the Walker Building at the Office Park South Complex on the New Hampshire Hospital campus.

In the last biennium, we provided funds which we believed would completely address the air circulation problem in our Health and Human Services Building on Hazen Drive. As work progressed, it became clear that a significant increase in the funding level would be required to do the job right. This budget seeks all the additional funds needed within the Fast Track portion of the Capital Budget to provide a proper working environment.

For the central psychiatric facility now being constructed, funds are provided in this budget for the furnishings, special equipment, and data processing links they need to come on line.

To complete the refurbishing of our YDC facilities, money is provided for upgrading of Spaulding Cottage on the Manchester grounds.

One of the major steps forward in our last Operating Budget was the establishment of a full-time medical examiner in this Capital Budget. We now propose to build an appropriate facility to allow us to make maximum use of that position.

In the past, we agreed to the study and design review of two major projects, one at the Veterans' Home and the other for the Nashua Superior Court facility to service Hillsborough County.

The addition of fifty beds of nursing care to the Veterans Home in Tilton will allow us to provide for the growing needs of our aging veteran population.

The Hillsborough Superior Court House for Nashua has also been included to service the need of our expanding judicial system.

We have funded the refurbishing and upgrading of the Peabody slopes base facilities at Cannon Mountain to continue to attract visitors and operate competitively.

We endorse and support improved training services for our growing law enforcement communities through the building addition proposed for the Police Standards and Training Program.

New Hampshire's strong commitment to the quality of our waters is reflected in our increase of State support for the completion of the Winnepesaukee River Basin Waste Treatment System. The Center Harbor

project will round out the expansions of recent years which were designed to preserve the quality of that precious resource.

Let me note here that in the Operating Budget to be presented later this week, we will also include the extra funds required to allow the eleven New Hampshire communities facing federal compliance difficulties to complete their waste treatment facilities now underway. These State funds will make up for the shortfall of the new federal legislation.

Our commitment to preservation of the unique character of our State and our great quality of life is evidenced by the general support expressed for the proposal for a New Hampshire Land Trust. Although not included here within the Capital Budget, I assure you that I will be supporting legislation establishing that program, and will in the provisions related to the Operating Budget provide the requisite funding to begin the acquisition of land that will serve us now and for generations to come.

I believe these recommendations are responsive to the growing needs of the State of New Hampshire.

We have made the hard decisions and drawn a fair, responsive line between needs and wants.

With your help and support, this program will provide for required current services and allow us to be able to meet our responsibilities to the future. I look forward to working with you. Thank you all.

Rep. Scamman and Sen. Bartlett offered the following:

#### HOUSE CONCURRENT RESOLUTION NO. 8

##### Memorializing Sherman Adams of Lincoln.

WHEREAS, we have learned with great sorrow of the death of Sherman Adams, one of New Hampshire's favorite sons, who in 1899 was born in Vermont but chose to live more than sixty years of his productive life in the Granite State, and

WHEREAS, in 1941, Sherman Adams began a distinguished political career, sitting for the first of his two terms in the New Hampshire House of Representatives, serving as Chairman of the Standing Committee on Labor and as Speaker, and

WHEREAS, in 1945, Sherman Adams went to the Nation's Capital as an elected member of the United States Congress, faithfully and honorably serving his constituents in the Second Congressional District, and

WHEREAS, in 1949, Sherman Adams began the first of his two terms as Governor of New Hampshire, serving, as well, as Chairman of the Conference of New England Governors, and

WHEREAS, in 1953, Sherman Adams returned to Washington, D.C., to serve until 1958 as a trusted and respected adviser to President Dwight D. Eisenhower, and

WHEREAS, having graduated from Dartmouth College, Sherman Adams throughout his life was an achiever and earned the distinction of being named the first recipient of the Robert Frost Award, and

WHEREAS, Sherman Adams was the founder and President of Loon Mountain Recreation Corporation in Lincoln, one of the State's outstanding ski areas, now therefore be it

RESOLVED, by the House with the Senate concurring, that Sherman Adams be recognized and given highest commendation for his outstanding service to New Hampshire and the country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted.

Rep. Palumbo and Sen. Dupont moved that the Joint Convention arise.  
Adopted.

The Joint Convention adjourned.

# HOUSE

(Speaker in the Chair)

## COMMITTEE REPORTS (Regular Calendar)

HB 87, revising the definition of "person" in the statutory construction chapter. Ought to Pass with Amendment.

The intent of this bill is to clear up whatever confusion now, or in the future, may exist in the present working of RSA 21:9 relative to the definition of person. Vote 15-0. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

### Amendment

Amend RSA 21:9 as inserted by section 1 of the bill by replacing it with the following:

21:9 Person. Unless otherwise expressly limited, the word "person" may extend and be applied to bodies corporate and politic as well as to individuals, and shall include any individual, trust, firm, joint-stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, United States government (or any agency thereof), political subdivision of the state, co-partnership, joint-stock association (including any trustee, administrator, executor, receiver, assignee or other personal representative thereof), company, or interstate body.

Amendment adopted.

Ordered to third reading.

HB 55, relative to the insanity defense and committal orders. Ought to Pass with Amendment.

This bill addresses the problems with the insanity defense and with the conditional discharge of persons adjudged not guilty by reason of insanity. It raises the burden of proof which a defendant must meet to prove his insanity from a preponderance of the evidence to the higher clear and convincing evidence standard. It also sets out strict standards for the conditional discharge of an NGI patient from his or her psychiatric committal. The Committee feels that these improvements in the law will make it harder for defendants to abuse the insanity defense and ensure adequate supervision of those who have been discharged. Vote 15-3. Rep. Thomas U. Gage for Judiciary.

### Amendment

Amend RSA 651:11-a, IV(a)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) Order that he be conditionally discharged under conditions the court finds appropriate, including any prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, which has been certified to the court as appropriate by the commissioner of the department of corrections or his designee or by the director of another facility not within the department of corrections in which he is committed, and which has been found by the court to be appropriate; and

Amend RSA 651:11-a, IV(c) as inserted by section 2 of the bill by replacing it with the following:

(c) The commissioner of the department of corrections or the director of another program or facility not within the department of corrections responsible for administering a condition or regimen imposed on a person conditionally discharged under subparagraph (a) shall notify the attorney general and the court having jurisdiction over the person of any failure of the person to comply with the condition or regimen, or of any other circumstances which create a reasonable likelihood that it is dangerous for the person to remain conditionally discharged. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the condition or prescribed regimen of medical, psychiatric, or psychological treatment, or that other circumstances exist which create a reasonable likelihood that it is dangerous for the person to remain conditionally discharged, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to the secure psychiatric unit or to another suitable facility on the basis that in light of his failure to comply with the conditions imposed by the court, including any prescribed regimen of medical, psychiatric, or psychological care or treatment, or because of other circumstances, his continued release would create a substantial risk of bodily injury to himself or another person or serious damage to property of another.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.  
Ordered to third reading.

HB 197, repealing the living will law. Inexpedient to Legislate. House Bill 197 would repeal the Living Will Law which was passed by an overwhelming vote at the last session. The Committee voted to reject the proposed repeal in view of the facts that there was no evidence that the Living Will Law has been abused in any way and that it has attracted widespread approval by the general public as well as by this Legislature on several occasions. New Hampshire's Living Will Law has been praised by authorities nationally as an excellent piece of legislation. Vote 16-1. Rep. Francis E. Robinson for Judiciary.

Rep. Granger moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion. Rep. Francis Robinson spoke against the motion. Rep. Granger requested a roll call. Insufficiently seconded. Motion lost. Resolution adopted.

HB 169-FN, relative to sunset review of Maine-New Hampshire interstate bridge authority. Ought to Pass. The Committee approved the continuation of the Compact. Vote 18-0. Rep. Beaton Marsh for Public Works.

Ordered to third reading.

HB 24, to extend the deadline for the joint committee on recodification of the water laws to submit its report to the general court. Ought to Pass.

This bill extends the period for the delivery of a recodified set of laws for the Water Resources Management in New Hampshire. Inadvertent delay in getting the project started has already meant that the start of the necessary review and reorganization of existing statutes has not been possible. Steps to obtain the needed legal talent is being actively pursued. Vote 15-1. Rep. Douglas R. Woodward for Resources, Recreation and Development.

Ordered to third reading.

HB 198, relative to the definition of death. Inexpedient to Legislate.

This bill would amend the definition of the death statute to preclude an individual who was brain dead from being considered dead. It was the opinion of the Committee that brain dead individuals should continue to be considered dead for purposes of the statute. Vote 17-0. Rep. Marc A. Chretien for Judiciary.

Resolution adopted.

Reps. Palumbo and Chambers moved that the Committee amendments to House Rules be adopted.

#### Amendment

Amend House Rule 32(a) by deleting the third and fourth sentences of the second paragraph: In addition, the Committee shall report to the House all other bills by the date established therefor by the Joint Rules. All Bills in the possession of the Committee shall be reported out with one of the following recommendations: "ought to pass," "ought to pass with amendment," "recommended but to be laid on the table because not funded," or "inexpedient to legislate," and inserting in place thereof the following:

In addition, the Committee shall report to the House all other House bills by April 2, 1987.

Amend House Rule 36(A)(b) by deleting all and inserting in place thereof the following:

(b) All bills, joint or concurrent resolutions to be introduced into the House for the second-year session may be filed commencing the first Tuesday in May with final information to Legislative Services by 5:00 p.m. the first Thursday of October and the bill signed off no later than 5:00 p.m. the third Thursday in November unless admitted by a majority of the Rules Committee or a two-thirds vote of the House.

Amend House Rule 44(a) by inserting in line eleven after the word "session.", the following new sentence:

Bills which have been re-referred to the Appropriations Committee shall be referred by Appropriations to the original committee to which it was assigned when the House adjourns from the first session.

Amend House Rule 44(a) by deleting in the fourth sentence the words "November 15, 1987." and inserting in place thereof the following:

the third Thursday in November.

Amend House Rule 46(e) by deleting the entire paragraph.



Amend House Rule 59 by deleting all and inserting in place thereof the following:

59 All revenue bills referred to the Ways and Means Committee, whether providing for new state revenue or an amendment to existing state revenue statutes shall be reported by Monday, March 16, 1987. All such revenue bills shall be acted upon by Thursday, March 19, 1987. The Capital Budget referred to the Appropriations Committee shall be reported to the floor of the House no later than Thursday, March 26, 1987.

Amend the House Rules by inserting in place thereof, where appropriate, the following date changes:

January 8, 1987 (Thursday)	Deadline for filing drafting requests with complete information to Legislative Services on all bills except House Bills of Intent (Rule 38 and 46(a))
January 29, 1987 (Thursday)	Last day to sign off all money bills (Rule 46(b)(1))
February 5, 1987 (Thursday)	Last day to introduce all money bills (Rule 46(b)(1))
February 5, 1987 (Thursday)	Last day to sign off all non-money bills (Rule 46(b)(2))
February 10, 1987 (Tuesday)	First day for Ways and Means to report estimated revenues of the state (Rule 32(w))
February 12, 1987 (Thursday)	Last day to introduce all non-money bills (Rule 46(b)(2))
February 13, 1987 (Friday)	Last day to file HBI (Rule 46(a)(1))
February 26, 1987 (Thursday)	Last day for Policy Committees to report all money bills (Rule 58)
February 27, 1987 (Friday)	Second day for Ways and Means to report estimated revenues of the state; thereafter, to report at the end of each month the estimated revenues and other financial interests of the state (Rule 32(w))
March 10, 1987 (Tuesday)	Deadline for Public Works to report Capital Budget
March 12, 1987 (Thursday)	Deadline for House preliminary action on Capital Budget
March 12, 1987 (Thursday)	Last day to report non-money bills (Rule 58)
<u>(NEW)</u>	
March 16, 1987 (Monday)	Last day for Ways and Means to report revenue bills (Rule 59)
<u>(DELETE)</u>	
March 19, 1987 (Thursday)	Last day to report money bills out of Appropriations (Legislative Specials)



(DELETE)

March 19, 1987 (Thursday) Last day to act on non-money bills (1st body)

(NEW)

March 19, 1987 (Thursday) Last day to act on non-money bills and to act on revenue bills out of Ways and Means (1st body)

(DELETE)

March 24, 1986 (Tuesday) Last day to report revenue bills (Rule 59)

(DELETE)

March 26, 1987 (Thursday) Last day to act on money bills and Revenue bills (Rule 59)

(NEW)

March 26, 1987 (Thursday) Last day for Appropriations to report Capital Budget (Rule 59)

(DELETE)

April 2, 1987 (Thursday) Last day for Appropriations to report Operating Budget, Capital Budget bills and Revenue bills (Rule 32(a))

(NEW)

April 2, 1987 (Thursday) Last day for Appropriations to report Operating Budget, Revenue bills and money bills (Rule 32(a))

April 7, 1987 (Tuesday)

House Budget Briefing on House version of Budget(Rule 46(d)(1))

(DELETE)

April 9, 1987 (Thursday) Last day to act on Operating and Capital Budget bills and Revenue bills (1st body)

(NEW)

April 9, 1987 (Thursday) Last day to act on Operating and Capital Budget bills, money bills and Revenue bills (1st body)

Second session day after appointment of Budget Committee of Conference

Budget briefing on Senate version of Operating Budget (Rule 46(d)(2))

(DELETE)

May 1, 1987 (Friday) First day to file all bills, joint or concurrent resolutions for introduction in second-year session (Rule 36(A)(b))

(NEW)

May 5, 1987 (Tuesday) First day to file all bills, joint or concurrent resolutions for introduction in second-year session (Rule 36(A)(b))

October 1, 1987 (Thursday)

Last day for filing drafting requests with complete information to Legislative Services on all bills, joint or concurrent resolutions for second-year session. (Rule 36(A)(b))

(DELETE)

November 15, 1987 (Sunday) Last day to sign off all bills, joint or concurrent resolutions for introduction in second-year session (Rule 36(A)(b))

(NEW)

November 19, 1987 (Thursday) Last day to sign off all bills, joint or concurrent resolutions for introduction in second-year session (Rule 36(A)(b))

(DELETE)

November 15, 1987 (Sunday) Last day to report all first-session bills re-referred to committee for second-year action (Rule 44(a))

(NEW)

November 19, 1987 (Thursday) Last day to report all first-session bills re-referred to committee for second-year action (Rule 44(a))

Amendment adopted.

Rep. Betty Hall offered an amendment.

Amendment

Amend the House Rules by inserting after rule 45 the following new rule:

45-a When any house bill is returned by the Senate with a Senate amendment, the bill shall be returned to the House committee of origin for a vote to report to the full House with one of the following recommendations: Concur, Nonconcur, Nonconcur and Request Committee of Conference.

The Clerk read the amendment.

Rep. Betty Hall explained her amendment.

Rep. Harold Burns spoke against the amendment and yielded to questions.

Rep. Chambers spoke against the amendment.

Rep. Betty Hall requested a division.

76 members having voted in the affirmative and 287 in the negative, the amendment lost.

Reps. Palumbo and Chambers moved that the House Rules as amended be adopted.

Motion adopted.

Rep. Ward presented the monthly Estimated Revenue Report by the Ways and Means Committee.

## HOUSE WAYS AND MEANS COMMITTEE REPORT

## UNRESTRICTED REVENUE

	1986 ACTUAL	1987 CHAP 406, L'85	1987 Ways & Means Revised
GENERAL FUND			
Beer	11,803,972	11,700,000	12,000,000
Board & Care	18,846,647	16,100,000	16,100,000
Business Profits Tax	110,695,280	103,100,000	130,000,000
Estate & Legacy Taxes	17,003,044	13,000,000	19,000,000
Insurance	26,343,101	22,200,000	28,000,000
Interest & Dividends Tax	24,699,509	26,700,000	26,700,000
Liquor	46,622,905	46,000,000	47,000,000
Meals and Rooms Taxes	62,138,657	69,500,000	69,500,000
Parks Income	4,496,819	4,200,000	4,500,000
Dog Racing	8,189,003	7,300,000	8,000,000
Thoroughbred Racing	1,467,079	1,550,000	800,000
Harness Racing	92,627	125,000	20,000
Real Estate Transfer Tax	33,026,235	24,000,000	48,000,000
Telephone	9,998,938	10,000,000	8,000,000
Tobacco	32,731,033	31,700,000	32,000,000
Utilities	6,399,506	6,500,000	6,400,000
Other	27,108,843	32,500,000	28,000,000
Courts	17,773,298	16,200,000	15,000,000
Savings Bank Tax	7,775,179	8,000,000	8,000,000
Total	467,211,675	450,375,000	507,020,000
HIGHWAY FUND			
Gasoline Road Toll	69,619,076	71,219,795	70,000,000
Motor Vehicle Fees	40,513,871	37,900,136	45,000,000
Miscellaneous	3,925,571	1,371,400	3,000,000
TOTAL	114,058,518	110,491,331	118,000,000
FISH AND GAME FUND			
Fish and Game Licenses	3,845,069	3,550,500	4,000,000
Fines and Penalties	50,068	43,000	50,000
Miscellaneous Sales	124,478	144,600	160,000
Indirect Costs	136,800	180,000	140,000
TOTAL	4,156,415	3,918,100	4,350,000

Report accepted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 12 at 11:00 a.m.

Adopted.

LATE SESSION  
Third reading and final passage

HB 136-FN, relative to sunset review of public utilities commission - gas - pipeline carriers.

HB 155-FN, relative to sunset review of the board of education - food and nutrition.

HB 105-FN, relative to sunset review of the secretary of state - legislative services.

HB 60-FN, relative to indemnification of fish and game department volunteers.

HB 73-FN, relative to falconry.

HB 95, relative to hunting accidents.

HB 23, relative to halfway houses.

HB 128-FN, relative to sunset review of civil defense.

HB 129-FN, relative to sunset review of disaster office.

HB 130-FN, relative to sunset review of the fire standards and training commission.

HB 139-FN, relative to sunset review of the police standards and training council.

HB 140-FN, relative to sunset review of the police standards and training council - corrections.

HB 28, relative to retention schedules for depository libraries.

HB 89, relative to library regions.

HB 148, relative to sunset review of Glencliff home for the elderly.

HB 149-FN, relative to sunset review of Laconia state school and training center.

HB 137-FN, relative to sunset review of the department of safety - administration and support.

HB 87, revising the definition of "person" in the statutory construction chapter.

HB 55, relative to the insanity defense and committal orders.

HB 169-FN, relative to sunset review of Maine-New Hampshire interstate bridge authority.

HB 24, to extend the deadline for the joint committee on recodification of the water laws to submit its report to the general court.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 2:45 p.m.

RECESS

(Speaker in the Chair)

Rep. Palumbo moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 5

*Thursday, 12Feb87*

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

With grateful hearts, Holy God, we remember the contributions of Your faithful sons and daughters across the ages.

Today, we particularly recall the gifts of Abraham Lincoln, a man of flesh and blood, and a man of greatness. Help us to reclaim his vision that government of the people, by the people and for the people shall not perish from the earth. Help that dream to inhabit our hearts.

Remind us, Eternal Spirit, that we are here to serve the people -- those who groan from their tax burden, and those who groan from hunger; those who anguish over the escalating costs of educating our children, and those who anguish over the higher costs of not educating them well enough.

Infinite God, we are deeply aware that each of us is sitting on a hot seat when we come to this place. But we know you never promised it would be easy to wrestle with matters of conscience and concern. Instead, You have promised that You would not abandon those who call upon You, and for that we are deeply grateful. Amen.

Rep. Dykstra led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Romoli, Ralph Torr, Boisvert, Schwaner, Donna Kelly, West and McManus, the day, illness.

Reps. Newell, Wood, Bates, Dickinson, Holbrook, Gagnon, Millard, Sara Townsend, Scanlan, Simon, Popov, Baldizar, Ducharme, Walter Robinson, Gelinas, Shriver, Rodgers, Alukonis and McKae, the day, important business.

Reps. Joseph MacDonald, Vaughn and Buco, the day, illness in the family.

## INTRODUCTION OF GUEST

Laurie Lane, guest of Rep. Dupont.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 456 through 727 and House Joint Resolution numbered 3 and Concurrent Resolutions Proposing Constitutional Amendments numbered 17 through 19 and House Bills of Intent numbered 2014 and 2015 and House Concurrent Resolutions numbered 4 through 7 and House Resolutions numbered 17 through 20, shall be by this resolution read a first and

second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HJR, CACRs, HBls, HCRs and HRs  
First, second reading and referral

HB 456-FN, relative to interference with burial grounds and unlawful possession or sale of gravestones. (Bardsley of Merrimack Dist. 1; Gage of Rockingham Dist. 13; Flanders of Rockingham Dist. 5; Bond of Dist. 1; Pressly of Dist. 12 - To Public Protection and Veterans Affairs)

HB 457, requiring notice to abutters for certain proposed zoning ordinance amendments. (Dykstra of Hillsborough Dist. 39 - To Municipal and County Government)

HB 458-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations. (Gage of Rockingham Dist. 13; Lown of Hillsborough Dist. 9; Matson of Cheshire Dist. 7; Bartlett of Dist. 19; Preston of Dist. 23 - To Municipal and County Government)

HB 459, relative to real estate trust accounts. (King of Grafton Dist. 6; Bourque of Hillsborough Dist. 35; Cusson of Hillsborough Dist. 35 - To Commerce, Small Business and Consumer Affairs)

HB 460, relative to distributing political campaign literature at polling places on election day. (Hoar of Rockingham Dist. 6 - To Constitutional and Statutory Revision)

HB 461, relative to the corporate relations between electric power generators and distributors. (Hall of Merrimack Dist. 7 - To Science, Technology and Energy)

HB 462-FN, to provide New Hampshire Purple Heart recipients with special commemorative license plates. (Sytek of Rockingham Dist. 20; Campbell of Rockingham Dist. 20; Nagel of Rockingham Dist. 20; Carpenito of Rockingham Dist. 22; Skinner of Rockingham Dist. 21; Blaisdell of Dist. 10; Preston of Dist. 23; Pressly of Dist. 12; Delahunty of Dist. 22 - To Transportation)

HB 463, relative to quality assurance confidentiality. (Densmore of Grafton Dist. 3 - To Health and Human Services)

HB 464, relative to the prudential affairs of a town. (Cushing of Rockingham Dist. 14; Weddle of Rockingham Dist. 24 - To Municipal and County Government)

HB 465, relative to the protection of employees who report violations of law or refuse to execute illegal directives. (Cushing of Rockingham Dist. 14; Young of Cheshire Dist. 1 - To Labor, Industrial and Rehabilitative Services)

HB 466-FN, prohibiting any town or school district from holding an election on the day state elections are held. (MacDonald of Rockingham Dist. 7 - To Constitutional and Statutory Revision)

HB 467-FN, changing the cost-sharing formula for the Tilton and Northfield union school district. (Randall of Belknap Dist. 3; Bowler of Belknap Dist. 2; Pantzer of Merrimack Dist. 11 - To Education)

HB 468-FN, prohibiting state funding of direct abortions. (Granger of Hillsborough Dist. 13; Gagnon of Hillsborough Dist. 29; Locke of Belknap Dist. 6 - To Health and Human Services)

HB 469, relative to a condominium conversion assistance plan. (Weddle of Rockingham Dist. 24 - To State Institutions and Housing)

HB 470, establishing a department of commerce. (Ward of Grafton Dist. 1; Blanchard of Rockingham Dist. 26; McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 471-FN, prohibiting smoking in public elementary and secondary educational facilities. (Buckley of Hillsborough Dist. 42; Soucy of Hillsborough Dist. 39; Pappas of Hillsborough Dist. 37 - To Health and Human Services)



HB 472, relative to the siting of manufactured housing. (Gage of Rockingham Dist. 20; Brungot of Coos Dist. 8; Normandin of Sullivan Dist. 8; Dykstra of Hillsborough Dist. 39; King of Rockingham Dist. 4 - To Municipal and County Government)

HB 473, relative to the recall of local officials. (Shriver of Hillsborough Dist. 11 - To Constitutional and Statutory Revision)

HB 474-FN, relative to solicitations for charitable purposes. (Harrington of Hillsborough Dist. 7; Lussier of Strafford Dist. 8; Dupont of Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 475, relative to required access to land for a building permit. (Arnesen of Grafton Dist. 7 - To Municipal and County Government)

HB 476, relative to payment of a borrower's property taxes and insurance by a home mortgage lender. (Arnesen of Grafton Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 477-FN, relative to tuition for regional vocational education. (McCain of Rockingham Dist. 11 - To Education)

HB 478-FN, relative to court-ordered counseling. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 479, relative to delaying condominium conversions following certain rental increases. (Weddle of Rockingham Dist. 24 - To State Institutions and Housing)

HB 480, recodifying the county corrections laws. (Hawkins of Belknap Dist. 5 - To Municipal and County Government)

HB 481, relative to nutrition and medical treatment of children.

(Granger of Hillsborough Dist. 13; Gagnon of Hillsborough Dist. 29 - To Children, Youth and Elderly Affairs)

HB 482, relative to the charter of Wentworth-Douglass Hospital. (Torr of Strafford Dist. 6; Parks of Strafford Dist. 6; Torr of Dist. 21 - To Municipal and County Government)

HB 483, relative to search warrants issued over the telephone. (Eaton of Cheshire Dist. 4; Frew of Strafford Dist. 7 - To Judiciary)

HB 484, relative to placement and usage of electronic speed monitoring devices. (Durant of Hillsborough Dist. 32 - To Transportation)

HB 485, relative to the issuance of warrants. (Durant of Hillsborough Dist. 32 - To Judiciary)

HB 486, requiring contractors excavating highways to be bonded. (Lefebvre of Hillsborough Dist. 29; Guilbert of Hillsborough Dist. 24 - To Public Works)

HB 487, relative to the membership of the Hillsborough county executive committee. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)

HB 488, relative to the department of revenue administration. (West of Merrimack Dist. 21 - To Executive Departments and Administration)

HB 489-FN, establishing an arbitration board for manufactured housing parks. (Lussier of Strafford Dist. 8 - To State Institutions and Housing)

HB 490-FN, creating a committee to study taxes paid by tenants who own manufactured housing in manufactured housing parks. (Lussier of Strafford Dist. 8 - To Municipal and County Government)

HB 491, relative to the police powers of safety inspectors and bingo and lucky 7 inspectors. (Haynes of Rockingham Dist. 9; Gordon of Cheshire Dist. 5 - To Regulated Revenues)

HB 492, relative to motor vehicle titles and dealer bonds. (Haynes of Rockingham Dist. 9; Gordon of Cheshire Dist. 5 - To Transportation)

HB 493-FN, establishing a committee to study the potential development of a state park in the Kona Wildlife Area in Moultonborough. (Phelps of Merrimack Dist. 1; St. Jean of Dist. 20 - To Resources, Recreation and Development)

HB 494, relative to the rights of tenants to receive cable television. (Gage of Rockingham Dist. 20; O'Rourke of Hillsborough Dist. 35 - To Commerce, Small Business and Consumer Affairs)

HB 495, relative to the sweepstakes commission. (Ford of Hillsborough Dist. 24; Bennett of Grafton Dist. 9; Rounds of Grafton Dist. 10 - To Regulated Revenues)

HB 496, relative to the regulation and restoration of excavations which existed on or before August 24, 1979. (King of Rockingham Dist. 4 - To Environment and Agriculture)

HB 497, establishing a committee to study granting municipalities the option of setting their own tax rates. (Wright of Rockingham Dist. 23; Conroy of Rockingham Dist. 7 - To Municipal and County Government)

HB 498, relative to butter substitutes. (Cressy of Rockingham Dist. 16 - To Health and Human Services)

HB 499, relative to return of recovered property. (Cressy of Rockingham Dist. 16; Mace of Rockingham Dist. 21 - To Judiciary)

HB 500, to revive the charter of the First Church (Congregational) in Jaffrey. (Grodin of Cheshire Dist. 6; White of Dist. 11 - To Constitutional and Statutory Revision)

HB 501, enabling planning boards to delegate subdivision approval for minor lot line changes to a municipal official. (Jacobson of Hillsborough Dist. 26; Guilbert of Hillsborough Dist. 24; Nelson of Dist. 13 - To Municipal and County Government)

HB 502, delegating site plan review powers to special site review committees. (Jacobson of Hillsborough Dist. 26; Guilbert of Hillsborough Dist. 24; Nelson of Dist. 13 - To Municipal and County Government)

HB 503, relative to regulation of existing weirs. (Blanchette of Rockingham Dist. 12 - To Fish and Game)

HB 504, permitting a person to be the candidate of only one party. (Theriault of Coos Dist. 8 - To Constitutional and Statutory Revision)

HB 505, relative to pharmacy patient profile records. (Robinson of Hillsborough Dist. 12 - To Health and Human Services)

HB 506, relative to nepotism by public employers. (Robinson of Hillsborough Dist. 12 - To Municipal and County Government)

HB 507, making English the official language of the state of New Hampshire. (Schofield of Carroll Dist. 4; Haynes of Rockingham Dist. 9; Steiner of Hillsborough Dist. 33; Olimpio of Carroll Dist. 7; Foss of Strafford Dist. 10; Podles of Dist. 16 - To Education)

HB 508, authorizing transfers within a program appropriation unit of the department of health and human services. (LaMott of Grafton Dist. 5 - To Executive Departments and Administration)

HB 509, relative to boat maintenance or repair plates. (Brown of Belknap Dist. 4 - To Transportation)

HB 510, relative to blood alcohol testing in the event of a motor vehicle fatality. (Eaton of Cheshire Dist. 4; Frew of Strafford Dist. 7 - To Judiciary)

HB 511, establishing minimum requirements for motor vehicle liability coverage. (Nixon of Hillsborough Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 512, relative to publication retention schedules for depository libraries. (Skinner of Rockingham Dist. 21 - To State Institutions and Housing)

HB 513, relative to penalties for motor vehicle habitual offenders. (Holmes of Merrimack Dist. 13 - To Transportation)

HB 514, relative to liability limitations for directors and officers of charitable organizations and societies. (Robinson of Hillsborough Dist. 12 - To Judiciary)

HB 515, relative to liens in favor of home health care providers. (Foster of Cheshire Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 516, relative to wiretapping in drug investigations. (MacDonald of Carroll Dist. 6; Eaton of Cheshire Dist. 4 - To Children, Youth and Elderly Affairs)

HB 517, relative to assessments for sewer rental charges. (Kidder of Merrimack Dist. 2 - To Municipal and County Government)

HB 518, relative to enforcement of the underground utility damage prevention system. (Randall of Belknap Dist. 3 - To Commerce, Small Business and Consumer Affairs)

HB 519, relative to consumer motor vehicle warranties. (Cushing of Rockingham Dist. 14 - To Commerce, Small Business and Consumer Affairs)

HB 520, relative to parental notification of abortions. (Dexter of Belknap Dist. 8; Hounsell of Dist. 2 - To Health and Human Services)

HB 521, amending the New Hampshire life and health insurance guaranty association act. (Boucher of Merrimack Dist. 9 - To Commerce, Small Business and Consumer Affairs)

HB 522, relative to membership on the state party convention. (Sytek of Rockingham Dist. 20; Vartanian of Rockingham Dist. 20 - To Constitutional and Statutory Revision)

HB 523, relative to alternative energy purchased power recovery. (Hollingworth of Rockingham Dist. 17; Smith of Hillsborough Dist. 21; Bond of Dist. 1 - To Science, Technology and Energy)

HB 524-FN, creating a baccalaureate education system trust. (Boucher of Rockingham Dist. 23; Rounds of Grafton Dist. 10; Hall of Merrimack Dist. 7 - To Education)

HB 525-FN, relative to the compensation of town clerks and fees paid to a clerk. (Hall of Hillsborough Dist. 16 - To Municipal and County Government)

HB 526-FN, establishing a department of safety. (Ward of Grafton Dist. 1; Mace of Rockingham Dist. 21 - To Executive Departments and Administration)

HB 527-FN, relative to prompt payments by the state. (Copenhaver of Grafton Dist. 12; Chandler of Merrimack Dist. 21; Wallner of Merrimack Dist. 18 - To Commerce, Small Business and Consumer Affairs)

HB 528-FN, instituting a confidential system to protect engineers reporting construction safety violations. (Weddle of Rockingham Dist. 24 - To Commerce, Small Business and Consumer Affairs)

HB 529-FN, relative to the amount of the adjusted elderly property tax exemption. (Campbell of Belknap Dist. 5 - To Municipal and County Government)

HB 530-FN, relative to assisted persons. (Young of Cheshire Dist. 1 - To Health and Human Services)

HB 531-FN, establishing a Portsmouth fire commission. (Pantelakos of Rockingham Dist. 24; Chase of Rockingham Dist. 28 - To Municipal and County Government)

HB 532, allowing real estate brokers to establish interest-bearing trust accounts. (Hager of Merrimack Dist. 21 - To Commerce, Small Business and Consumer Affairs)

HB 533-FN, relative to eligibility for unemployment benefits. (King of Grafton Dist. 12 - To Labor, Industrial and Rehabilitative Services)

HB 534-FN, relative to patients' entitlements. (Cressy of Rockingham Dist. 16 - To Health and Human Services)

HB 535-FN, amending the property tax sale process. (Phelps of Merrimack Dist. 1; Bates of Strafford Dist. 1 - To Municipal and County Government)

HB 536-FN, relative to unemployment compensation maximum weekly benefits. (King of Grafton Dist. 12; St. Jean of Dist. 20 - To Labor, Industrial and Rehabilitative Services)

HB 537-FN, relative to regulation of the practice of nursing. (Butler of Rockingham Dist. 11; McLane of Dist. 15 - To Executive Departments and Administration)

HB 538-FN, relative to required parks on plats and creating nonlapsing accounts for acquisition and development of property for recreational purposes. (Blanchette of Rockingham Dist. 12 - To Resources, Recreation and Development)

HB 539-FN, relative to costs to be excluded from a public utility's rate base. (Daschbach of Cheshire Dist. 2 - To Science, Technology and Energy)

HB 540-FN, relative to bingo and lucky 7 licenses. (Nagel of Rockingham Dist. 20; Blaisdell of Rockingham Dist. 13; Blaisdell of Dist. 10 - To Regulated Revenues)

HB 541-FN, relative to developmentally disabled persons. (Butler of Rockingham Dist. 11 - To Health and Human Services)

HB 542, relative to preferred provider agreements. (Lockwood of Merrimack Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 543-FN, relative to siting of solid waste disposal facilities. (Daschbach of Cheshire Dist. 2 - To Environment and Agriculture)

HB 544-FN, increasing the limit on the state guarantee of bonds and notes of school districts. (Robinson of Hillsborough Dist. 12 - To Education)

HB 545, establishing a task force on homelessness. (Manus of Merrimack Dist. 17; Wallner of Merrimack Dist. 18; McLane of Dist. 15 - To Health and Human Services)

HB 546-FN, relative to the time for closing the polls in statewide elections. (Zis of Hillsborough Dist. 23; Fields of Hillsborough Dist. 13 - To Constitutional and Statutory Revision)

HB 547, relative to medicaid fraud and patient abuse. (Anderson of Rockingham Dist. 13; Gage of Rockingham Dist. 13 - To Health and Human Services)

HB 548-FN, relative to access to and use of child abuse records by schools for the purpose of investigating employees. (G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7; Schwartz of Cheshire Dist. 13; Malcolm of Rockingham Dist. 17 - To Education)

HB 549-FN, enabling cities and towns to establish land banks. (Malcolm of Rockingham Dist. 17 - To Municipal and County Government)

HB 550-FN, regulating investment promoters. (Lindblade of Sullivan Dist. 5; Pantzer of Merrimack Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 551-FN, relative to computer based public records. (King of Grafton Dist. 6; McCain of Rockingham Dist. 11; Hall of Hillsborough Dist. 16 - To Executive Departments and Administration)

HB 552-FN, relative to per diem increases for deputy sheriffs. (Pappas of Hillsborough Dist. 37; Burkush of Hillsborough Dist. 43; Reardon of Hillsborough Dist. 37; Desrosiers of Hillsborough Dist. 43; Buckley of Hillsborough Dist. 42; Stephen of Dist. 18 - To Municipal and County Government)

HB 553-FN, providing health insurance to the indigent. (Pappas of Hillsborough Dist. 37; Parks of Strafford Dist. 6; Arnesen of Grafton Dist. 7; Chase of Rockingham Dist. 28; Rehlander of Merrimack Dist. 8; Nelson of Dist. 13; McLane of Dist. 15; Krasker of Dist. 24 - To Commerce, Small Business and Consumer Affairs)

HB 554-FN, to revise municipal tax sale practices. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 555-FN, allowing social clubs and sports clubs to sell lucky 7 tickets and raising the license application fee. (Rep. Blaisdell of Rockingham Dist. 13; Blaisdell of Dist. 10 - To Regulated Revenues)

HB 556-FN, relative to recording fees. (Bates of Strafford Dist. 1 - To Municipal and County Government)

HB 557-FN, relative to transportation by school buses. (Copenhaver of Grafton Dist. 12 - To Education)

HB 558-FN, relative to collecting boat permit fees on saltwater boats. (Ware of Hillsborough Dist. 18 - To Transportation)

HB 559-FN, relative to drug testing of public employees. (Lozeau of Hillsborough Dist. 25; Wood of Hillsborough Dist. 27 - To Children, Youth and Elderly Affairs)



HB 560-FN, authorizing municipalities to collect 13 months of taxes for each 12 month fiscal year. (Wright of Rockingham Dist. 23 - To Municipal and County Government)

HB 561-FN, relative to provision of water supplies to victims of water supply contamination, reimbursement of the oil pollution control fund, and licensing of oil transporters. (Bowler of Belknap Dist. 2; Schwartz of Cheshire Dist. 13 - To Resources, Recreation and Development)

HB 562-FN, relative to fireworks. (Welch of Rockingham Dist. 10; Benton of Rockingham Dist. 5; Musler of Strafford Dist. 3 - To Public Protection and Veterans Affairs)

HB 563-FN, relative to water supply improvement bonds and notes issued by municipalities. (Grodin of Cheshire Dist. 6; West of Merrimack Dist. 21 - To Municipal and County Government)

HB 564-FN, authorizing any city or town to issue revenue bonds. (Grodin of Cheshire Dist. 6; West of Merrimack Dist. 21 To - Municipal and County Government)

HB 565-FN, relative to off highway recreational vehicles. (Scanlan of Grafton Dist. 11; Vaughn of Rockingham Dist. 27; Perham of Hillsborough Dist. 10; Sen. Bond of Dist. 1 - To Fish and Game)

HB 566-FN, relative to the time for making property tax assessments. (Conroy of Rockingham Dist. 7; Lovejoy of Rockingham Dist 7; Vaughn of Rockingham Dist. 27; G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist 7; MacDonald of Rockingham Dist. 7 - To Municipal and County Government)

HB 567-FN, relative to halting the development of nuclear power in New Hampshire. (Cushing of Rockingham Dist. 14 - To Science, Technology and Energy)

HB 568-FN, prohibiting the transportation, production, burial and storage of high-level radioactive material in the state of New Hampshire. (Cushing of Rockingham Dist. 14 - To Science, Technology and Energy)

HB 569-FN, relative to a long range capital improvement plan and integrated data system. (Marsh of Coos Dist. 1; Rounds of Grafton Dist. 10; Chambers of Grafton Dist. 12; LaMott of Grafton Dist. 5 - To Public Works)

HB 570-FN, establishing a department of natural resources. (McCain of Rockingham Dist. 11; Mace of Rockingham Dist. 21; Holmes of Carroll Dist. 3; Ward of Grafton Dist. 1 - To Executive Departments and Administration)

HB 571-FN, relative to the certification and financial management of life care facilities. (Parks of Strafford Dist. 6; Townsend of Sullivan Dist. 1 - To Commerce, Small Business and Consumer Affairs)

HB 572-FN, relative to recycling beverage containers. (Hall of Hillsborough Dist. 14 - To Commerce, Small Business and Consumer Affairs)

HB 573-FN, establishing a fire standards and training council within the department of postsecondary vocational-technical education. (Dexter of Belknap Dist. 8; Hoar of Rockingham Dist. 6; Mace of Rockingham Dist. 21 - To Executive Departments and Administration)

HB 574-FN, requiring all commercial and private boats to be under the federal boat numbering system. (Dickinson of Carroll Dist. 2; Dionne of Strafford Dist. 5 - To Transportation)

HB 575-FN, relative to certification standards for laboratories. (Bardsley of Merrimack Dist. 1 - To Environment and Agriculture)

HB 576-FN, relative to workers' compensation lump sum payments and state retirement benefits. (Fraser of Merrimack Dist. 6; Blanchette of Rockingham Dist. 12 - To Labor, Industrial and Rehabilitative Services)

HB 577-FN, relative to employee leaves of absence for reserve training and public service. (Cushing of Rockingham Dist. 14; O'Rourke of Hillsborough Dist. 35 - To Labor, Industrial and Rehabilitative Services)

HB 578-FN, relative to unemployment compensation. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 579-FN, relative to combining the Peterborough and Jaffrey district courts. (Bass of Hillsborough Dist. 7; Sen. White of Dist. 11 - To Judiciary)

HB 580-FN, relative to the semi-annual payment and collection of taxes. (Whittemore of Merrimack Dist. 10 - To Municipal and County Government)

HB 581-FN, establishing minimum energy efficiency standards for appliances sold in this state. (Buckley of Hillsborough Dist. 42; Cushing of Rockingham Dist. 14 - To Commerce, Small Business and Consumer Affairs)

HB 582-FN, providing for regional conferences on highway related problems. (Hoar of Rockingham Dist. 6; Preston of Dist. 23 - To Transportation)

HB 583-FN, relative to the compensation of probate judges. (Jones of Hillsborough Dist. 20 - To Judiciary)

HB 584-FN, relative to the special justice of the Pelham municipal court. (Jones of Hillsborough Dist. 20 - To Judiciary)

HB 585-FN, requiring emissions control inspections of motor vehicles. (Greene of Rockingham Dist. 18 - To Transportation)

HB 586-FN, relative to mooring of boats on lakes and ponds in New Hampshire. (Pearson of Belknap Dist. 5; Jensen of Belknap Dist. 6; Hawkins of Belknap Dist. 5 - To Resources, Recreation and Development)

HB 587-FN, relative to possession of marijuana. (Knight of Hillsborough Dist. 4; Butler of Rockingham Dist. 11; Charbonneau of Dist. 14; Sen. Freese of Dist. 4 - To Children, Youth and Elderly Affairs)

HB 588-FN, relative to filing the interest and dividends tax return. (Schmidtchen of Rockingham Dist. 23 - To Ways and Means)

HB 589-FN, relative to adjusted elderly exemptions. (Perry of Cheshire Dist. 10; Lown of Hillsborough Dist. 9 - To Municipal and County Government)

HB 590-FN, relative to fees charged by licensing boards. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 591-FN, relative to the retention of state election ballots. (Shriver of Hillsborough Dist. 11 - To Constitutional and Statutory Revision)

HB 592-FN, relative to facilities licensed under RSA 151. (Parks of Strafford Dist. 6; Townsend of Sullivan Dist. 1; Bourque of Hillsborough Dist. 35; Torr of Dist. 21 - To Health and Human Services)

HB 593-FN, providing for criminal penalties for persons who provide alcoholic beverages to minors. (Lussier of Strafford Dist. 8; Gage of Hillsborough Dist. 6 - To Judiciary)

HB 594-FN, establishing a victims' assistance program and a victims' assistance fund. (Lussier of Strafford Dist. 8; Gage of Hillsborough Dist. 6 - To Executive Departments and Administration)

HB 595, changing the time and place for holding the first meeting of the county convention. (Chandler of Merrimack Dist. 21 - To Municipal and County Government)

HB 596-FN, increasing the assets owned to qualify for the adjusted elderly exemption. (Smith of Hillsborough Dist. 21; Charbonneau of Dist. 14 - To Municipal and County Government)

HB 597-FN, relative to the residency requirement for the elderly, expanded elderly, and adjusted elderly property tax exemptions. (Cressy of Rockingham Dist. 16 - To Municipal and County Government)

HB 598-FN, to elect the members of the public utilities commission. (Cressy of Rockingham Dist. 16; Pressly of Dist. 12 - To Commerce, Small Business and Consumer Affairs)

HB 599, relative to notification of termination of service by a public utility. (Cressy of Rockingham Dist. 16 - To Commerce, Small Business and Consumer Affairs)

HB 600-FN, relative to OHRV fees. (Perham of Hillsborough Dist. 10; Scanlan of Grafton Dist. 11 - To Fish and Game)



HB 601-FN, relative to the salary of the director of the police standards and training council. (LaMott of Grafton Dist. 5; O'Rourke of Hillsborough Dist. 35 - To Public Protection and Veterans Affairs)

HB 602-FN, allowing a limited privilege driver's license to be issued after certain DWI license revocations. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 603-FN, relative to a legislative commission to establish motor vehicle fines and point assessments. (Jacobson of Merrimack Dist. 2 - To Transportation)

HB 604-FN, relative to compensation of sheriffs and deputy sheriffs ordered to attend the courts. (Read of Rockingham Dist. 28 - To Municipal and County Government)

HB 605-FN, relative to the terms of persons committed to jails or houses of correction in default of payment of fines. (Read of Rockingham Dist. 28 - To Judiciary)

HB 606-FN, relative to lock-up of children. (Parker of Cheshire Dist. 11 - To Children, Youth and Elderly Affairs)

HB 607-FN, increasing the personal needs allowance for recipients of medical assistance residing in nursing homes. (Warburton of Rockingham Dist. 6; Hawkins of Belknap Dist. 5; Blanchette of Rockingham Dist. 12; Butler of Rockingham Dist. 11; Krasker of Dist. 24 - To Health and Human Services)

HB 608-FN, relative to municipal self-insurance plans and pooled risk management programs. (Harrington of Hillsborough Dist. 7; Bourque of Hillsborough Dist. 35; Hager of Merrimack Dist. 21; Dupont of Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 609-FN, relative to the New Hampshire National Guard. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 610-FN, relative to student protection. (Chase of Rockingham Dist. 28 - To Education)

HB 611-FN, relative to administrative forfeiture of certain items used in connection with drug offenses. (Eaton of Cheshire Dist. 4; Frew of Strafford Dist. 7 - To Judiciary)

HB 612-FN, relating to insurance holding companies. (Boucher of Merrimack Dist. 9 - To Commerce, Small Business and Consumer Affairs)

HB 613-FN, relating to security deposits of insurance companies. (Fraser of Merrimack Dist. 6; Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

HB 614-FN, relative to insurers' reporting requirements and a consumer advocate. (Zis of Hillsborough Dist. 28; Jacobson of Merrimack Dist. 2; Cote of Hillsborough Dist. 25; Nelson of Dist. 13 - To Commerce, Small Business and Consumer Affairs)

HB 615-FN, creating a civil cause of action for unfair insurance trade practices. (Zis of Hillsborough Dist. 28; Hollingworth of Rockingham Dist. 17; Cote of Hillsborough Dist. 25 - To Commerce, Small Business and Consumer Affairs)

HB 616-FN, limiting condominium conversions if vacancy rate is low. (Weddle of Rockingham Dist. 24 - To State Institutions and Housing)

HB 617, establishing the affordable housing fund within the New Hampshire housing finance authority. (King of Grafton Dist. 6; Townsend of Sullivan Dist. 1; Arnesen of Grafton Dist. 7; Bourque of Hillsborough Dist. 35; Cusson of Hillsborough Dist. 35; Green of Hillsborough Dist. 36; McLane of Dist. 15; Pressly of Dist. 12 - To State Institutions and Housing)

HB 618-FN, increasing the percentage of the real estate transfer tax returned to the register of deeds or the county. (LaMott of Grafton Dist. 5; O'Rourke of Hillsborough Dist. 35 - To Ways and Means)

HB 619-FN, raising lucky 7 ticket prices. (Pierce of Cheshire Dist. 17 - To Regulated Revenues)

HB 620-FN, relative to workers' compensation. (Hawkins of Belknap Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 621-FN, relative to computation of wages for purposes of workers' compensation benefits. (Hawkins of Belknap Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 622-FN, relative to actions against fellow employees. (Hawkins of Belknap Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 623, relative to the practice of physical therapy. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 624, relative to survivors' benefits of group I and group II members receiving disability retirement benefits. (LaMott of Grafton Dist. 5; Dion of Hillsborough Dist. 45; O'Rourke of Hillsborough Dist. 35 - To Executive Departments and Administration)

HB 625-FN, changing the method of valuation for pleasure boats for the boat permit fee. (Hardy of Belknap Dist. 4; MacDonald of Carroll Dist. 6; McIntire of Carroll Dist. 4 - To Transportation)

HB 626-FN, relative to medication specialists. (Rehlander of Merrimack Dist. 8 - To Health and Human Services)

HB 627-FN, to provide a loss carry forward under the business profits tax. (Grip of Hillsborough Dist. 7 - To Ways and Means)

HB 628-FN, providing tax incentives for New Hampshire business organizations. (Grip of Hillsborough Dist. 7 - To Ways and Means)

HB 629-FN, relative to the administration and investments of the New Hampshire retirement system. (Ramsay of Cheshire Dist. 10 - To Executive Departments and Administration)

HB 630-FN, relative to the reduction in benefits for group I members of the New Hampshire retirement system who retire before age 60. (Ramsay of Cheshire Dist. 10 - To Executive Departments and Administration)

HB 631-FN, relative to waivers from school lunch programs for school districts. (Eaton of Cheshire Dist. 4; Frew of Strafford Dist. 7 - To Education)

HB 632-FN, relative to the adoption of capital improvement facility fees. (McCann of Strafford Dist. 7 - To Municipal and County Government)

HB 633-FN, relative to casual help employees of funeral directors. (Chase of Rockingham Dist. 28 - To Executive Departments and Administration)

HB 634-FN, relative to deeds and the conveyance of property. (Bates of Strafford Dist. 1 - To Judiciary)

HB 635-FN, relative to property tax exemptions for the elderly. (Arnott of Cheshire Dist. 14 - To Municipal and County Government)

HB 636-FN, relative to solid waste management. (Greene of Rockingham Dist. 18 - To Environment and Agriculture)

HB 637-FN, relative to base development at Mount Sunapee. (Behrens of Sullivan Dist. 3; Schotanus of Sullivan Dist. 1; Disnard of Dist. 8 - To Public Works)

HB 638-FN, relative to returnable containers. (Cox of Hillsborough Dist. 18 - To Commerce, Small Business and Consumer Affairs)

HB 639-FN, relative to certification of soil scientists. (Maggon of Rockingham Dist. 13; Campbell of Rockingham Dist. 20; Scanlan of Grafton Dist. 11 - To Environment and Agriculture)

HB 640-FN, relative to motor vehicle license and registration fees, license plates and boat registration. (Gordon of Cheshire Dist. 5; Walter of Grafton Dist. 13; Haynes of Rockingham Dist. 9 - To Transportation)

HB 641, relative to various motor vehicle laws. (Walter of Grafton Dist. 13; Gordon of Cheshire Dist. 5; Haynes of Rockingham Dist. 9 - To Transportation)

HB 642-FN, relative to approved furloughs and special purpose furloughs for prisoners. (Robinson of Strafford Dist. 4 - To Judiciary)

HB 643-FN, relative to compensation of jurors. (Chandler of Merrimack Dist. 21 - To Judiciary)

HB 644, relative to zoning exemptions for certain utility structures. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 645-FN, relative to school building aid. (Robinson of Hillsborough Dist. 12; Sanderson of Rockingham Dist. 25 - To Education)

HB 646-FN, permitting the taxation of certain school lands and buildings. (Welch of Rockingham Dist. 10 - To Ways and Means)

HB 647-FN, relative to specific air pollution emissions standards and controls. (Fesh of Rockingham Dist. 7; G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7 - To Environment and Agriculture)

HB 648-FN, relative to municipal hazardous waste disposal responsibilities and liabilities. (Wright of Rockingham Dist. 23 - To Environment and Agriculture)

HB 649-FN, relative to required parks on plats and creating nonlapsing accounts for acquisition of property for recreational purposes. (Flint of Sullivan Dist. 2 - To Municipal and County Government)

HB 650-FN, directing the supreme court to establish a guardian ad litem compensation fund. (Lown of Hillsborough Dist. 9; Lozeau of Hillsborough Dist. 25 - To Judiciary)

HB 651-FN, relative to compensation of part time district court justices. (Robinson of Strafford Dist. 4 - To Judiciary)

HB 652-FN, relative to wine importers, the delivery of wine, and a definition of "warehouse." (Skinner of Rockingham Dist. 21 - To Regulated Revenues)

HB 653-FN, relative to third party payments for health services. (Cressy of Rockingham Dist. 16 - To Commerce, Small Business and Consumer Affairs)

HB 654-FN, relative to dogs and cats. (Dickinson of Carroll Dist. 2 - To Environment and Agriculture)

HB 655-FN, relative to the testing of livestock in pulling contest. (Schotanus of Sullivan Dist. 1; Campbell of Rockingham Dist. 20; Millard of Merrimack Dist. 4; Sherburne of Rockingham Dist. 2 - To Environment and Agriculture)

HB 656-FN, relative to cruelty to animals. (Schotanus of Sullivan Dist. 1; Campbell of Rockingham Dist. 20; Millard of Merrimack Dist. 4; Sherburne of Rockingham Dist. 2 - To Environment and Agriculture)

HB 657-FN, relative to the investment of state trust funds. (Dickinson of Carroll Dist. 2 - To Executive Departments and Administration)

HB 658-FN, relative to the nursing scholarship program and private trade schools. (Riley of Cheshire Dist. 5; Robinson of Hillsborough Dist. 12; O'Rourke of Hillsborough Dist. 35; Blaisdell of Dist. 10; Hough of Dist. 5 - To Education)

HB 659-FN, relative to payment of court appointed counsel and court costs in certain cases. (Parks of Strafford Dist. 6; Ahrens of Hillsborough Dist. 13 - To Judiciary)

HB 660-FN, relative to information services at highway rest areas and appropriating fees for these services. (Lewis of Merrimack Dist. 5; Dickinson of Carroll Dist. 2; Vaughn of Rockingham Dist. 28; Hounsell of Dist. 2 - To Transportation)

HB 661-FN, changing the name of the department of postsecondary vocational-technical education. (Walker of Rockingham Dist. 17; Robinson of Hillsborough Dist. 12; Pearson of Belknap Dist. 5 - To Education)

HB 662-FN, relative to reimbursement of the state for patients rendered services by the secure psychiatric unit. (Parker of Cheshire Dist. 11 - To Health and Human Services)

HB 663-FN, legalizing action by the city of Franklin in adopting a budget and supplemental budget for an optional fiscal year and authorizing debt during the transition period. (Gilbreth of Merrimack Dist. 12; Asplund of Merrimack Dist. 10; Austin of Merrimack Dist. 10; Whittemore of Merrimack Dist. 10 - To Municipal and County Government)

HB 664-FN, relative to resident hunting and fishing licenses. (Guay of Coos Dist. 7 - To Fish and Game)

HB 665-FN, prohibiting the incarceration of alcohol abusers who have committed no criminal offense. (Ahrens of Hillsborough Dist. 13 - To Judiciary)

HB 666-FN, relative to medical insurance payments for incarcerated persons. (Ahrens of Hillsborough Dist. 13 - To Commerce, Small Business and Consumer Affairs)

HB 667-FN, relative to salaries for unclassified employees in the department of safety. (Townsend of Grafton Dist. 13 - To Executive Departments and Administration)

HB 668-FN, relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities. (Hayes of Merrimack Dist. 21; Millard of Merrimack Dist. 4; Hager of Merrimack Dist. 21; Holmes of Merrimack Dist. 13; West of Merrimack Dist. 21 - To Science, Technology and Energy)

HB 669-FN, reducing the rate of the business profits tax. (Hayes of Merrimack Dist. 21 - To Ways and Means)

HB 670-FN, relative to review of wood-fired electrical generating plants. (Oleson of Coos Dist. 7 - To Science, Technology and Energy)

HB 671-FN, relative to disability benefits for fire fighters. (Gage of Rockingham Dist. 20; Delahunty of Dist. 22 - To Labor, Industrial and Rehabilitative Services)

HB 672-FN, relative to workers' compensation permanent impairment awards. (Blanchette of Rockingham Dist. 12 - To Labor, Industrial and Rehabilitative Services)

HB 673-FN, relative to workers' compensation death benefits. (Blanchette of Rockingham Dist. 12 - To Labor, Industrial and Rehabilitative Services)

HB 674-FN, relative to accidental disability benefits for New Hampshire retirement system members. (Blanchette of Rockingham Dist. 12 - To Executive Departments and Administration)

HB 675-FN, relative to workers' compensation liens against uninsured motorist recoveries. (Burns of Hillsborough Dist. 11; Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 676-FN, requiring that recordings and transcripts be made of all public legislative hearings. (Burns of Hillsborough Dist. 11; Nixon of Hillsborough Dist. 6; Benton of Rockingham Dist. 5 - To Legislative Administration)

HB 677-FN, relative to a staffing plan for the new central psychiatric facility. (LaMott of Grafton Dist. 5 - To Executive Departments and Administration)

HB 678-FN, relative to railroads. (Hoar of Rockingham Dist. 6; Whittemore of Merrimack Dist. 10 - To Executive Departments and Administration)

HB 679-FN, relative to buyers of farm products. (Townsend of Grafton Dist. 13 - To Environment and Agriculture)

HB 680-FN, prohibiting certain computer telephone calls to residences. (Carpenito of Rockingham Dist. 20; Nagel of Rockingham Dist. 20 - To Commerce, Small Business and Consumer Affairs)

HB 681-FN, relative to ticket scalping. (Carpenito of Rockingham Dist. 20; Nagel of Rockingham Dist. 20 - To Commerce, Small Business and Consumer Affairs)

HB 682-FN, establishing a procedure for enforcing the payment of parking fines. (Jacobson of Hillsborough Dist. 26; Wallner of Merrimack Dist. 18; Chase of Rockingham Dist. 28; Murphy of Hillsborough Dist. 40; Nelson of Dist. 13 - To Municipal and County Government)

HB 683-FN, relative to state employee benefits. (Chambers of Grafton Dist. 12; Hager of Merrimack Dist. 21 - To Executive Departments and Administration)

HB 684-FN, relative to benefits for part-time state employees. (Chambers of Grafton Dist. 12; Hager of Merrimack Dist. 21 - To Executive Departments and Administration)

HB 685-FN, deferring payments for assessments made for municipal betterments benefiting land classified as open space land. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)



HB 686-FN, relative to farm plates. (Campbell of Rockingham Dist. 20 - To Transportation)

HB 687-FN, relative to eligibility for disability payments to injured workers. (Nixon of Hillsborough Dist. 6 - To Labor, Industrial and Rehabilitative Services)

HB 688-FN, allowing the Mascoma Valley regional school district to separate from school administrative unit 32. (Christy of Grafton Dist. 11 - To Education)

HB 689-FN, relative to insurance rate increases for traffic violations. (Bolsvert of Hillsborough Dist. 30 - To Commerce, Small Business and Consumer Affairs)

HB 690-FN, relative to towns and cities which require an assisted person to work for the town or city. (Cushing of Rockingham Dist. 14 - To Municipal and County Government)

HB 691-FN, relative to depositing of excess snow into the surface waters of the state. (Hawkins of Belknap Dist. 5; Malcolm of Rockingham Dist. 17; Richardson of Belknap Dist. 10 - To Resources, Recreation and Development)

HB 692-FN, establishing an involuntary treatment task force. (Cahill of Merrimack Dist. 21 - To Health and Human Services)

HB 693-FN, to include county jail and house of correction personnel in group II of the New Hampshire retirement system. (Chandler of Merrimack Dist. 21 - To Executive Departments and Administration)

HB 694, relative to financial disclosure. (Bass of Hillsborough Dist. 7; Harrington of Hillsborough Dist. 7; White of Dist 11; Bond of Dist. 1 - To Legislative Administration)

HB 695-FN, relative to the insanity defense and committal orders. (Shriver of Hillsborough Dist. 11 - To Judiciary)

HB 696-FN, relative to interest payment calculations under the New Hampshire retirement system. (King of Grafton Dist. 6; MacDonald of Carroll Dist. 6 - To Executive Departments and Administration)

HB 697-FN, relative to the definition of "wages" for workers' compensation purposes. (Buckley of Hillsborough Dist. 44 - To Labor, Industrial and Rehabilitative Services)

HB 698, requiring accessible polling places and voting booths for physically disabled and elderly persons. (Pappas of Hillsborough Dist. 37; Hall of Hillsborough Dist. 16; Zis of Hillsborough Dist. 28; West of Merrimack Dist. 21; Flanagan of Rockingham Dist. 8; Buckley of Hillsborough Dist. 44; Sen. Nelson of Dist. 13; Sen. Preston of Dist. 23; Sen. Hough of Dist. 5; Sen. McLane of Dist. 15; Sen. Dupont of Dist. 6 - To Regulated Revenues)

HB 699-FN, establishing a task force to study support services for families with developmentally disabled children. (Tupper of Merrimack Dist. 6 - To Children, Youth and Elderly Affairs)

HB 700-FN, permitting group II members who reach age 65 to make an election for retirement benefits. (Johnson of Rockingham Dist. 1; Ramsay of Cheshire Dist. 10; LaMott of Grafton Dist. 5; O'Rourke of Hillsborough Dist. 35 - To Executive Departments and Administration)

HB 701-FN, relative to the fee charged for copies of checklists. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

HB 702-FN, relative to workers' compensation medical and vocational rehabilitation benefits. (McGovern of Rockingham Dist. 27; Blanchette of Rockingham Dist. 12 - To Labor, Industrial and Rehabilitative Services)

HB 703-FN, relative to the board of auctioneers. (Felch of Rockingham Dist. 14 - To Executive Departments and Administration)

HB 704-FN, relative to the safety of facilities gathering, transmitting, and distributing petroleum gas. (Randall of Belknap Dist. 3 - To Science, Technology and Energy)

HB 705-FN, relative to itinerant vendors. (Fields of Hillsborough Dist. 13; Manus of Merrimack Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 706-FN, increasing the per diem allowance for county delegation meetings. (Dickinson of Carroll Dist. 2; Chandler of Merrimack Dist. 21; MacDonald of Carroll Dist. 6; Burns of Coos Dist. 5; Randall of Belknap Dist. 3 - To Municipal and County Government)

HB 707, relative to temporary rates for public utilities. (Chambers of Grafton Dist. 12; Schwartz of Cheshire Dist. 13; Densmore of Grafton Dist. 3; Krasker of Dist. 24 - To Science, Technology and Energy)

HB 708, relative to excess electric generating capacity. (Chambers of Grafton Dist. 12; King of Grafton Dist. 12; Reardon of Hillsborough Dist. 37; Bowler of Belknap Dist. 2; Krasker of Dist. 24 - To Science, Technology and Energy)

HB 709-FN, relative to children's interagency dispute resolution. (Rehlander of Merrimack Dist. 8 - To Children, Youth and Elderly Affairs)

HB 710-FN-A, relative to child care assistance and making an appropriation therefor. (Wallner of Merrimack Dist. 18; Arnesen of Grafton Dist. 7 - To Children, Youth and Elderly Affairs)

HB 711-FN, relative to the probate courts. (Jones of Hillsborough Dist. 20 - To Judiciary)

HB 712-FN, relative to plea bargaining agreements in DWI cases. (Lussier of Strafford Dist. 8; Gage of Hillsborough Dist. 6 - To Judiciary)

HB 713-FN, relative to the definition of a delinquent child. (Schotanus of Sullivan Dist. 1; Rodeschin of Sullivan Dist. 2; Spaulding of Sullivan Dist. 6; Disnard of Dist. 8 - To Children, Youth and Elderly Affairs)

HB 714-FN, relative to conveying land in current use. (Jacobson of Merrimack Dist. 2 - To Environment and Agriculture)

HB 715, relative to automobile depreciation for purposes of establishing insurance coverage fee rates. (Soucy of Hillsborough Dist. 39 - To Commerce, Small Business and Consumer Affairs)

HB 716, relative to the Salem town treasurer. (Buco of Rockingham Dist. 20 - To Municipal and County Government)

HB 717, relative to membership on planning boards. (Wadsworth of Grafton Dist. 13 - To Municipal and County Government)

HB 718, clarifying certain planning and zoning statutes. (Golden of Belknap Dist. 7 - To Municipal and County Government)

HB 719-FN, relative to the fee for vanity license plates. (Boisvert of Hillsborough Dist. 30 - To Transportation)

HB 720, relative to the fish and game commission appointing the executive director of the department of fish and game. (Perham of Hillsborough Dist. 10; Jensen of Belknap Dist. 6; Magoon of Rockingham Dist. 13; Blaisdell of Dist. 10 - To Fish and Game)

HB 721-FN, relative to the sweepstakes commission and lucky 7 tickets. (Rounds of Grafton Dist. 10; White of Dist. 11; Hough of Dist. 5 - To Regulated Revenues)

HB 722, relative to small loans. (Christy of Grafton Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 723-FN, relative to licensing nondepository first mortgage bankers and brokers. (Gage of Rockingham Dist. 20 - To Commerce, Small Business and Consumer Affairs)

HB 724, relative to the transfer of 57 acres of Rye Harbor state park to the department of fish and game for wildlife management. (Drake of Rockingham Dist. 18; Vaughn of Rockingham Dist. 27 - To Fish and Game)

HB 725-FN, relative to the attorney general. (Bates of Strafford Dist. 1 - To Executive Departments and Administration)

HB 726, relative to the qualifications of the director of human services. (Arnold of Hillsborough Dist. 33 - To Health and Human Services)

HB 727, relative to the right-to-know law. (Chretien of Hillsborough Dist. 33; Palumbo of Rockingham Dist. 10; Chambers of Grafton Dist. 12 - To Judiciary)



CACR 17, relating to indirect initiative petition. Providing that statutes may be proposed by citizen petition to the general court. (Hall of Hillsborough Dist. 16 - To Constitutional and Statutory Revision)

CACR 18, relating to compensation of the legislature. Providing that any member of the legislature may be provided health insurance. (Weddle of Rockingham Dist. 24; Ingram of Sullivan Dist. 4 - To Constitutional and Statutory Revision)

CACR 19, relating to disbursements from the state treasury. Providing that biennial budget expenditures shall not increase over the preceding biennial budget expenditures by more than an amount to be established by the state treasurer. (Granger of Hillsborough Dist. 13 - To Constitutional and Statutory Revision)

HJR 3-FN, providing a legal state holiday on June 21, 1988, to celebrate the bicentennial of the United States Constitution. (Chase of Carroll Dist. 6 - To Constitutional and Statutory Revision)

HBI 2014, relative to New Hampshire compliance with amendments to the comprehensive Environmental Response, Cleanup and Liability Act. (Wright of Rockingham Dist. 23 - To Environment and Agriculture)

HBI 2015, relative to toxic waste prevention. (Cushing of Rockingham Dist. 14 - To Environment and Agriculture)

HCR 4, relative to a National Housing Partnership Act. (Weddle of Rockingham Dist. 24; Zis of Hillsborough Dist. 28; Ingram of Sullivan Dist. 4; Splaine of Rockingham Dist. 25; Hynes of Rockingham Dist. 28 - To State-Federal Relations)

HCR 5, supporting initiatives at all levels seeking to solve the potentially catastrophic problem of depletion of the earth's ozone layer. (Weddle of Rockingham Dist. 24 - To Environment and Agriculture)

HCR 6, relative to the town of Centre Harbor. (Maviglio of Belknap Dist. 1 - To Municipal and County Government)

HCR 7, relative to the priority of employee claims in Chapter 11 bankruptcy proceedings. (Skinner of Rockingham Dist. 21; Palumbo of Rockingham Dist. 10; Chambers of Grafton Dist. 12 - To State-Federal Relations)

HR 17, urging the Nuclear Regulatory Commission to deny the petition of Public Service Company of New Hampshire, et al., to reduce the 10 mile emergency planning zone in radius of the Seabrook Station nuclear power plant. (Daschbach of Cheshire Dist. 2; Parr of Rockingham Dist. 17; Chambers of Grafton Dist. 12; King of Grafton Dist. 6; Cushing of Rockingham Dist. 14 - To State-Federal Relations)

HR 18, relative to state authority over the national guard. (Read of Rockingham Dist. 28 - To Public Protection and Veterans Affairs)

HR 19, relative to the employee lockout at the Simplex Wire and Cable Company in Newington. (Chambers of Grafton Dist. 12; Weddle of Rockingham Dist. 24; Read of Rockingham Dist. 28 - To Legislative Administration)

HR 20, relative to establishing a committee to study the application of consensus building, dispute resolution, and conflict management as a step in the legislative process. (Skinner of Rockingham Dist. 21; Torr of Strafford Dist. 6 - To Legislative Administration)

#### VACATES

Rep. Dingle moved that the House vacate the reference of HB 324-FN-A, establishing a state land use and development plan and making an appropriation therefor, to the Committee on Resources, Recreation and Development.

Adopted.

The Speaker referred HB 324 to the Committee on Environment and Agriculture.

Rep. Tufts moved that the House vacate the reference of HB 327-A, relative to funding for a pulp and paper technology program at the New Hampshire vocational-technical college at Berlin, to the Committee on Education.

Adopted.

The Speaker referred HB 327 to the Committee on Public Works.

#### SUSPENSION OF RULES

Rep. Chambers moved that the Rules be so far suspended as to permit consideration at the present of SB 11-A, relative to replacing the Hampton Beach seawall and making an appropriation therefor, without introduction, referral, public hearing, committee report and the required notice in the Calendar.

Reps. Palumbo and Chambers spoke in favor of the motion.

Adopted by the necessary two-thirds.

Reps. Palumbo and Chambers moved that the House adopt SB 11-A, relative to replacing the Hampton Beach seawall and making an appropriation therefor.

Adopted.

Rep. Palumbo offered the following:

RESOLVED, that the Honorable Senate be notified that the House is ready to meet in Joint Convention at 11:55 a.m. for the purpose of hearing the Governor's Operating Budget message.

Adopted.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 19, relative to the election laws. Ought to Pass.

This is a housekeeping bill relative to the Election Laws. Vote 14-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 88-FN, relative to the pesticide control board; rulemaking hearings, exemptions, and definitions. Ought to Pass.

This bill was requested by the Division of Pesticide Control, with input from the Division of Public Health and other agencies. It adds 2 new definitions to pesticide application and control; and provides for hearings concerning rulemaking; and exempts some janitorial contracts in certain limited circumstances. Vote 19-0. Rep. J. Lisbeth Olimpio for Environment and Agriculture.

HB 25, relative to intravenous devices in emergency situations. Inexpedient to Legislate.

The sponsor requested the bill be Inexpedient to Legislate as the law already allows the provisions requested in the bill. Vote 17-0. Rep. Marion L. Copenhaver for Health and Human Services.

HB 45, relative to maternity and infancy. Ought to Pass.

This bill was requested by the Department of Public Health during the recodification of Public Health Laws. Rulemaking in this area was inadvertently left out. The bill authorizes the Director of the Division of Public Health Services to adopt rules pursuant to RSA 541-A, relative to maternal and child health services. Vote 18-0. Rep. Elmira F. Tilton for Health and Human Services.

HB 86, relative to non-smoking areas in public restaurants. Inexpedient to Legislate.

The Committee voted Inexpedient to Legislate (19-0) since the sponsors asked to have HB 86 withdrawn. The issue of non-smoking areas in restaurants will be incorporated in an upcoming bill. Rep. Joan A. Wagner for Health and Human Services.

HB 146-FN, relative to sunset review of the department of health and human services - office of the commissioner. Ought to Pass.

The Committee voted to continue the Department of Health and Human Services - Office of the Commissioner. The Committee will be setting up Subcommittees to study the recommendations of the Sunset review. Vote 17-0. Rep. Nancy G. Frank for Health and Human Services.

HB 147-FN, relative to sunset review of department of health and human services - division of mental health. Ought to Pass.

The bill authorizes the continuation of the Division of Mental Health. Sunset recommendations will be reviewed by the Subcommittee during the Session. Vote 17-0. Rep. Robert F. Wilson for Health and Human Services.

HB 33, making assault with a motor vehicle a felony. Inexpedient to Legislate.

The State of New Hampshire now has the strongest DWI Law in the country due to the efforts of the Legislature over the past few years. Passage of this bill would have resulted in a great expense to the State due to the increased jury trials that would have been brought. Vote 17-0. Rep. Beverly A. Hollingworth for Judiciary.

HB 35, relative to divorce based on irreconcilable differences. Inexpedient to Legislate.

The Committee felt that the changes in the divorce process embodied in this bill are unnecessary. There is no need for a summary divorce procedure nor a formal change in the petition captions. Vote 15-2. Rep. Thomas U. Gage for Judiciary.

HB 40, relative to bond given by administrators of estates. Ought to Pass.

The Committee recommends passage of this bill by a vote of 16-0. The bill gives judges of probate the option of waiving the posting of bonds by administrators of estates when the gross value of the estate is less than \$25,000 or when the administrator of an estate is the sole heir to the estate. This will save costs for some administrators in small or uncontested estate cases. Rep. Francis E. Robinson for Judiciary.

HB 51, relative to the statutory definition of a deadly weapon. Inexpedient to Legislate.

The Committee agrees there is a problem of identification of deadly weapons being noted in various statutes. It would be desirable to streamline the statutes to add changes to descriptions of deadly weapons in one place instead of several places, however, proposed changes to limit definitions of "dangerous" and "deadly" weapons would be unwise and would cause prosecution problems. The Committee has reservations about limiting these definitions which are already defined for the purpose of the Criminal Code. Vote 16-0. Rep. C. William Johnson for Judiciary.

HB 69, relative to reckless conduct. Inexpedient to Legislate.

The Committee unanimously agreed that there was no need for a bill of this nature. It is currently under the second degree assault statute. The wording in the bill says "may place another

in danger." The Committee felt this was too loose and could cause serious problems. Vote 16-0. Rep. Donnalee M. Lozeau for Judiciary.

HB 92, relative to a penalty for assault of police officers.  
Inexpedient to Legislate.

The Police currently have a remedy under the assault statute, therefore it was the feeling of the Committee that placing a new section specifically for the police under second degree assault, adds no greater deterrent and would probably create a potential for abuse, and extensive litigation. This was not initiated through any of the police agencies. Vote 13-3. Rep. Patricia R. Dwyer for Judiciary.

HB 96, prohibiting wrongful life and wrongful birth actions.  
Inexpedient to Legislate.

This bill is facially unconstitutional. The United States Supreme Court has determined that women have a right to privacy in abortion. The State Supreme Court has rejected the wrongful life action in New Hampshire. The bill will lead to confusion and, ultimately, to litigation. Vote 15-0. Rep. Thomas U. Gage for Judiciary.

HB 162-FN, relative to sunset review of the board of tax and land appeals. Ought to Pass.

The Committee feels that the Board of Tax and Land Appeals is an important State agency which has more than justified its existence. Vote 17-0. Rep. Thomas U. Gage for Judiciary.

HB 183, changing the statute of limitations on actions for medical injuries sustained by minors and on personal actions by persons under a disability. Inexpedient to Legislate.

This bill would affect the rights of minors to file suit. The Committee had grave concerns regarding its constitutionality and necessity, and voted accordingly. Vote 16-1. Rep. Marc A. Chretien for Judiciary.

HB 190-FN, relative to district court venue in landlord and tenant actions. Ought to Pass.

If the bill becomes law, it will allow landlord-tenant actions to be heard in the district where the property is located. This will be helpful to both landlords and tenants. Vote 16-0. Rep. Thomas U. Gage for Judiciary.

HB 27, defining the scope of reference of terms referring to state, county, and local government officials. Inexpedient to Legislate.

There appears to be no evidence that there is a problem with the present statutes. Vote 18-0. Rep. Roger C. King for Municipal and County Government.

HBI 2009, relating to long-range financing by municipalities. Ought to Pass.

This bill will provide municipalities with an in-depth study of long-range funding, thereby providing a vehicle to update existing statutes to reflect current financial conditions. Vote 18-0. Rep. George M. West for Municipal and County Government.

HBI 2004, relating to highway state liquor stores providing non-alcoholic beverages in addition to alcohol. Inexpedient to Legislate. The Committee felt that the subject of the Bill of Intent has already been addressed in RSA 230:30-a which specifies the methodology involved in the installation of vending machines dispensing non-alcoholic beverages and food items in the facilities located in rest areas along the state highway system. Vote 17-0. Rep. Peter M. Simon for Regulated Revenues.

HB 31, relative to boating on Wakondah Pond in town of Moultonborough. Ought to Pass.

This bill prohibits the operation of any power boat with an internal combustion engine on Wakondah Pond (90 acres) in Moultonborough. The size and nature of the pond and its loon population warrant this action. The Department of Safety Services does not have jurisdiction in this matter because the pond is over 35 acres. Vote 17-0. Reps. Nancy C. Beaton, John B. Young and MaryAnn N. Blanchard for Resources, Recreation and Development.

HB 150-FN, relative to sunset review of New Hampshire Hospital. Ought to Pass.

After due deliberation, the Committee accepted the Sunset Committee report without dissension. Vote 12-0. Rep. Henry F. Whitcomb, Jr. for State Institutions and Housing.

HB 151-FN, relative to sunset review of veterans' home. Ought to Pass.

After due deliberation, the Committee accepted the excellent report from the Sunset Committee with no adverse discussion. Vote 12-0. Rep. Henry F. Whitcomb, Jr. for State Institutions and Housing.

HB1 2002, relating to the New Hampshire state hospital. Ought to Pass.

This Bill of Intent augments the detailed report by the Sunset Review of the New Hampshire State Hospital. It will continue the excellent relationship established by the State Institutions and Housing Committee in actively participating in the formulation of long range planning for this State facility. A Subcommittee has already been established to implement this process. Vote 12-0. Rep. Ednapearl F. Parr for State Institutions and Housing.

HB1 2003, relating to the Laconia state school. Ought to Pass.

This bill augments the detailed report by the Sunset Review of the Laconia State School. It will continue the excellent relationship established by the State Institutions and Housing Committee in actively participating in deliberations with the Division of Mental Health, as to long range planning of the State facility. A Subcommittee has already been established to implement this process. Vote 12-0. Rep. Henry F. Whitcomb, Jr. for State Institutions and Housing.

HB1 2006, relating to the youth development center. Ought to Pass.

This Committee, by approval of this Bill of Intent, will continue the past study of the Youth Development Center in cooperation with the Division of Children and Youth. Previous coordination of efforts has resulted in legislated physical improvements of the Youth Center. The Subcommittee, which has been established, will continue its efforts. Vote 12-0. Rep. Irene M. Messier for State Institutions and Housing.

HB 109-FN, relative to sunset review of coordinator of highway safety. Ought to Pass.

The Committee agreed with the Sunset Committee that the Coordinator of Highway Safety should be renewed until July 1, 1993. All testimony before the Committee urged the continuance and no one appeared to speak against it. Vote 11-0. Rep. Richard L. Haynes for Transportation.

HB 138-FN, relative to sunset review of the department of safety - division of motor vehicles. Ought to Pass.



The report of the Sunset Committee was that the agency was functioning well. The hearing gave indication that the present pattern should continue. Vote 14-0. Rep. Irvin M. Gordon for Transportation.

HB 145-FN, relative to sunset review of New Hampshire port authority. Ought to Pass.

There was strong indication on the report of the Sunset Committee that the Port Authority status was good and that a six-year renewal was in order. The members of this Committee made a visit to the site and saw considerable activity and became familiar with the plans to increase the land area. At the public hearing all testimony was favorable. Vote 11-0. Rep. Richard L. Haynes for Transportation.

HB 179-FN, exempting wreckers from the requirements of RSA 375-B. Inexpedient to Legislate.

This bill was designed to remove the regulation of wreckers from the present statutes. Field visits by the Committee members found the industry satisfied with present rules and leaned towards stronger enforcement rather than elimination. A Subcommittee also found reasons to support the recommendation of Inexpedient. Vote 11-0. Rep. Richard L. Haynes for Transportation.

#### COMMITTEE REPORTS (Regular Calendar)

HB 14, relative to the time for closing the polls and announcing the results of statewide elections. Inexpedient to Legislate.

This bill would prohibit moderators from announcing the count of the votes for any office in a statewide election until after 8:00 p.m. This would eliminate early returns being announced from small towns or plantations such as Dixville Notch. The bill also has provisions to allow the voters present to vote to close the polls earlier than 8 o'clock so long as every voter present who desires to vote shall have had the opportunity to do so. The Committee felt it was not a reasonable move. The announcement of the actual votes before 8 p.m. seemed to be so small in number that the Committee felt a law restricting this was unnecessary. Vote 14-0. Rep. Roger Stewart for Constitutional and Statutory Revision.

Resolution adopted.

HB 97-FN-A, appropriating funds to the department of agriculture for inspection of apiaries. Ought to Pass with Amendment.

House Bill 97 appropriates \$10,710 for inspection of apiaries. It also adds rulemaking authority to the Commissioner. This bill passed both houses last year, but failed due to lack of funding. This is much needed to protect the beekeeping industry in our State. Vote 19-0. Rep. Malcolm W. Harrington for Environment and Agriculture.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Inspection of Apiaries; Rulemaking. RSA 429:8 is repealed and reenacted to read as follows:

429:8 Rulemaking. The commissioner of agriculture shall adopt rules, after a public hearing and pursuant to RSA 541-A, relative to:

- I. Standards for inspection of apiaries.
- II. Establishing fees for inspection of apiaries.



111. Measures necessary for the control, eradication, prevention of the introduction, spread, or dissemination of any and all lice diseases.

1V. Certifying imports of bees, and bee supplies or equipment.

V. Control of American foulbrood disease of honeybees.

3. New Sections; Control of Diseases and Appeals. Amend RSA 429 by inserting after section 11 the following new sections:

429:11-a Authorization to Destroy. In control or eradication of dangerous bee diseases, the commissioner of agriculture or his authorized representatives may destroy by burning or otherwise any infected bees, hives, honey, or appliances that he or they may deem necessary for such control or eradication, without remuneration to the owner. Such infected bees, hives, honey, and appliances shall be deemed a public nuisance.

429:11-b Appeals. Appeals from any decision by the commissioner under this subdivision shall be governed by RSA 541.

4 Effective Date. This act shall take effect July 1, 1987.

Amendment adopted.

Referred to Appropriations.

HB 57, relative to mental health group homes. Inexpedient to Legislate.

Testimony on this bill clearly shows no need for this legislation. The division is now making contact with local officials when proposing any group homes. Vote 17-2. Rep. Lawrence A. Chase, Jr., for Health and Human Services.

Resolution adopted.

HB 98, relative to adultery. Ought to Pass.

The Committee unanimously agreed that adultery is wrong and immoral. Committee testimony indicated the current criminal statute, allowing one spouse to seek imprisonment of his or her spouse for adultery, is unenforceable and violative of public policy preserving the family unit. This bill would not affect any existing civil remedies. New Hampshire would join Vermont and Maine in repealing the criminal aspects of adultery. Vote 13-2. Rep. Donnalee M. Lozeau for Judiciary.

Rep. Hatch spoke against the report.

Rep. Michael Jones spoke in favor of the report.

Rep. Jean spoke to the report.

Question being on the Committee report, a roll call was requested. Sufficiently seconded.

YEAS 277 NAYS 57

YEAS 277

BELKNAP: Bowler, Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Maviglio, Pearson, Lawrence Richardson, Thurston and Turner.

CARROLL: Allard, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Blacketer, Clark, Corrigan, Delano, Doucette, Daniel Eaton, Foster, Flunk, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Parker, Pierce, Ramsay, William Riley, Sawyer, Schwartz and David Young.

COOS: Brady, Harold Burns, Guay, Horton, Kilbride, Lemire, Mayhew, Nelson, Oleson and Purrington.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Copenhagen, Crystal, Dearborn, Densmore, Driscoll, Wayne King, Lougee, McAvoy, Rounds, Stewart, Wadsworth, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Bass, Beaupre, Lionel Boucher, Bourque, Boutwell, Bowers, Buckley, Champagne, Chretien, Cid, Cote, Cowenhoven, Cox, Cusson, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Domaingue, Donovan, Drolet, Dube, Dupont, Dwyer, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Ruth Gage, Genest, Scott Green, Grip, Guilbert, Marian Harrington, Holden, Humphrey, Michael Jones, Cornelius Keane, Keefe, Alice Knight, Korcoulis, Lanzara, Lefebvre, Long, Lown, Lozeau, Bonnie McCann, Messier, Moore, Morrisette, Mulligan, O'Rourke, Packard, Pappas, Perham, Pignatelli, Prestipino, Price, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Sallada, Schneiderat, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Sullivan, Turgeon, Wagner, Ware, Watson, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Laurent Boucher, Cahill, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hayes, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Lockwood, Merton Mann, Nichols, Phelps, Provencal, Rehlander, Gerald Smith, Stio, Trombly, Tupper, Wallner, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Benton, Blaisdell, Blanchard, Blanchette, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cressy, Cushing, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, McKinney, Nagel, Palumbo, Pantelakos, Parr, Pevear, Rosencrantz, Sanderson, Schmidtchen, Scott, Sherburne, Sochalski, Splaine, Tufts, Weddle, Wells, Woodward and Wright.

STRAFFORD: Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Laurion, Lussier, Martling, Musler, Parks, Pelley, Proulx, Francis Robinson, Spear, Swope, Ann Torr, Wall and Wilson.

SULLIVAN: Behrens, Brodeur, Flint, Ingram, Krueger, Lindblade, Normandin, Peyron, Rodeschin and Schotanus.

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BELKNAP: Brown, Dexter, Golden, Jensen and Wixson.

CHESHIRE: Daschbach, Jesse Davis, Morse and Perry.

COOS: Brungot, Coulombe, Frederic Foss, Marsh and Theriault.

GRAFTON: Christy, Ezra Mann and Howard Townsend.

HILLSBOROUGH: Baker, A. Leslie Burns, Daigle, Paul Dionne, Frank, Granger, Hatch, Chris Jacobson, Robert Kelley, Kurk, Leclerc, Mason, Robert Murphy, Paquette, Herbert Richardson, Tarpley, Vanderlosk, Emma Wheeler, Kenneth Wheeler and Winn.

MERRIMACK: George E. Gordon, Manus and Philbrick.

ROCKINGHAM: Barnes, Lawrence A. Chase, Jr., Cooke, Ritzo, Skinner, Sytek, Tilton, Walker, Warburton and Welch.

STRAFFORD: Appleby, Lachance and John Young.

SULLIVAN: Cutting, D'Amante, Domini and Spaulding, and the report was adopted.

Rep. James Chandler notified the Clerk that he wished to be recorded in favor of the Committee report.

Ordered to third reading.

HB 18, permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary. Ought to Pass.

This bill would make the voting process simpler and possibly attract a bigger voter turnout since voters would not have to affiliate with either political party, but could very easily maintain their independent status from primary to primary, without a special trip to city or town hall for party change which many voters forget to do until primary day when it is too late. Testimony from the Secretary of State indicates that this process agrees with a recent Supreme Court Decision in regard to the voting process. Vote 16-2. Rep. Frank E. McIntire for Municipal and County Government.

Reps. Cutting and William Riley spoke against the report.

Rep. Magee spoke in favor of the report.

Reps. Russell Chase and Ezra Mann spoke in favor of the report and yielded to questions.

Ordered to third reading.

#### SENATE MESSAGE

The Senate is ready to meet in Joint Convention.

RECESS

#### JOINT CONVENTION (Speaker presiding)

The Governor addressed the House briefly.

Mr. Speaker, Mr. Senate President, Honorable members of the General Court:

I appreciate this opportunity to present to the people of the State my Operating Budget for the biennium.

One of the most important responsibilities we share is to develop the details of budget authorization and allocation for the various departments and agencies of the State.

As we develop the budget, we must work through the thousands of basic decisions which taken together establish the policies, programs, and framework for the operation of the State.

As has been true for the last few years, we gather here with a shared sense of accomplishment and pride in our State.

Certainly, all the indicators of economic strength and capacity underscore the basic health and vitality of our economy.

The tangible results of our joint efforts have produced an economic climate with the lowest unemployment, the highest rate of growth of personal income, and a continued attractiveness to the investments that create new jobs.

But our sense of pride is based on more than that hard data.

New Hampshire continues to have an overall basic quality of life that is the envy of the nation. This quality of life is reflected in our living environment, our work opportunities, and our great outdoors. It is also shaped by the relationships among our citizens, as well as their involvement within their communities and with State institutions.

Obviously, any system dealing with significant issues or needs has some strain or conflict. But, in general, we have been able to apply and work within the framework and methods of New Hampshire traditionalism to meet our needs and serve our citizens. This has been accomplished with a blend and balance that has made our State great.

The task before us is to establish a complete program and blueprint for the next two years to continue New Hampshire's success.

But, let us remember, and in fact it should be emphasized, that our success of recent years has not been achieved by an accident.

Your efforts and participation deserve more acknowledgment than that. In fact, we know that public policy, ... budgets, ... tax structures, ... economic climate, ... efficient infrastructure, ... effective, broad services ... and quality of education ... do make an impact on our capacity to compete and succeed economically. Those who suggest otherwise are generally self-serving or just plain jealous.

What you do, what I do, what we do does make a difference, and together we are committed to continue to make that difference.

Thus, our budget must continue to be a blend of realism and optimism ... a sharing of resources and a nurturing of basic strengths ... a disciplined balance of service and support blended within the traditional New Hampshire formula.

As was true two years ago, our challenge is made a bit more complex by the reality of success. As in the last two budgets, we again must respond with discipline and balance in the face of enhanced expectations. Any over-expectation would initiate a spending momentum that is not acceptable and cannot be tolerated as the pendulum of economic performance swings back to more normal or even leaner times.

This budget again will maximize the opportunities provided by the State's success and still maintain a temperate level of overall allocation. What is being presented today is the clearest sense of what we must do in meeting our responsibilities. This budget represents the distillation of months of effort, analyses, and computations.

The figures in each individual account reflect policy agreements developed as consensus after countless discussions and revisions to reconcile differences.

This budget represents gross appropriations of \$1.32 billion for 1988 and \$1.35 billion for 1989. These figures represent a 10.5 percent increase for 1988 and 2.2 percent additional increase for 1989.

The net general fund appropriations are \$537 million for 1988 and \$556 million for 1989, an 11.4 percent and 3.6 percent increase, respectively.

I should note that the budget includes a number of very significant allocations of State dollars to make up for changes in levels of federal funding or compensate for complete loss of federal dollars in programs that deserved appropriate support.

Again, we are able to recommend a reduction in taxes. This budget is based on our recommendation that the business profits tax be reduced to 8 percent from the current 8-1/4 percent.

Although no final contract with the State employees has been concluded at this time, we continue to make progress in a spirit of cooperation. The general range of discussions should lead to a level of agreement that again is fair and which would not require an increase in any of the tax levels.

This biennial budget allows for a total of about \$15 million for legislative additions within the revenue structure, even after the Business Profits Tax cut.

Now to some specifics ...

In the area of school aid distribution, we are providing an increase under the foundation aid formula distribution to a full \$32 million each year, an increase of about one-third over the significantly increased level of last time. These levels are provided with a guaranteed backup of general funds so that our communities and school districts will be able to confidently plan ahead.

In fact, the total distribution of funds to our cities and towns is increased by about \$27 million in this budget.

Our educational initiatives in technology, computers, and teacher and curriculum support have been continued. This support and coordination of projects in local school districts has received strong support and encouragement from teachers and administrators, and it represents some of our most effective use of funds in education.

Furthermore, as part of our use of focused funds to support our local school systems, we are including a major effort to enhance the leadership skills in the administrative side of education, including principals and superintendents, in particular.

This major program, under a similar structure as our initiative program, will support, on a grant basis, programs designed to hone the skills of those who are responsible for the effectiveness and efficiency of our local school systems. This effort will dovetail with a number of national, regional and in-state programs.

Also, we have virtually doubled the State funding for the support of our Adult Basic Education Program. This will permit expansion of services in areas such as reading, math and development of basic skills for an additional 2,000 adults throughout the State. These efforts will fund expansions in our adult high school programs, our adult basic education centers, and our adult tutoring program.

We have fully funded the State subsidy for tuition and transportation to the area vocational high school programs.

An aggressive dropout prevention program has been initiated to help our local school districts deal with this critical problem.

Within the Secretary of State's Office, we have provided additional funding to improve the cataloging, storage and filing of State records and documents. We have also doubled the current funding level for the salvage and preservation of historic documents in our archive system.

For the State Library, we have provided funds to continue the development and expansion of the statewide computerized catalog and distribution system.

In the area of higher education, we also have made significant increases in State funding. The biennium increase in general funds for the University System is 15 percent. Further, the Department of Post-Secondary Vocational Education will receive a general fund increase of 26 percent over the biennium.

The Governor's Scholar Program of College Scholarships for Merit to the outstanding students in every high school of the State has been continued. Furthermore, we have provided a new leveraged incentive grant program of financial aid to supplement the basic incentive grant awards, which also have been continued. These funds will make a significant addition to the college assistance provided to help New Hampshire parents and students meet the growing cost of higher education.

Another major addition to the budget has been an approximate one million dollar increase in the area of vocational rehabilitation. These State funds not only expand the services available but permit needed flexibility to provide additional assistance. These include providing services to handicapped individuals who have become employed, but need assistance to maintain that employment.

In order to help our families who have significant special needs, we again are funding cost-of-living increases in each year for our AFDC grant levels.



A significant piece of the proposed budget increase is allocated to our programs in mental health and programs for the developmentally disabled. The general funds for this budget represent an increase of about 15 percent over the general funds of the last biennium.

In the area of health and human services, we are funding the expansion of a number of unique programs.

We are expanding our nationally recognized programs of employment training and jobs programs for citizens with mental illness and developmental impairments.

We are increasing our residential service capacity and programs to enable these individuals to receive support, supervision and services in community settings.

This budget also reflects New Hampshire's success in negotiating with the Federal Government for First-in-the-Nation Community Care Waiver and Guarantee. This agreement provides the incentives and flexibility to tailor our community service programs to meet the specific needs of our developmentally-disabled population in the best, most effective mode.

As part of that five-year effort, we have included additional match money for community residence and day programs for individuals leaving the Laconia State School or who have equivalent needs.

Our commitment to the nutrition programs for the elderly is supported by additional State funds to continue to provide services at the congregate sites and the delivery of home meals.

We have provided the additional funds necessary to allow our elderly and disabled adults to continue to maintain their independence by receiving services within their own home.

One major change over the last few years has been in the area of assistance to our troubled youth. We have already provided for refurbishing most of our old Youth Development Center facilities, opened a number of new facilities around the State, and under the new settlement legislation, the State has assumed \$15 to \$20 million of additional responsibilities in areas previously carried by the communities.

This program, both in terms of meeting a need and removing a multi-million dollar expense from the obligation of cities and towns, has been, and will continue to be, one of the major legislative concerns this session.

We are providing one million additional dollars to effectively staff the juvenile assessments and placements to maximize the quality of that program.

We have also funded additional intermediate care facility nursing home beds.

In the area of alcohol and drug abuse prevention, we have not only provided the capital addition of a new twenty-bed rehabilitation facility, but have increased our bed capacity targeted to treat the severely addicted drug abuser.

Our support in the area of substance abuse counseling and treatment for our younger citizens also has been expanded. Staff positions have been added for home-based family intervention to provide more evaluation and treatment for adolescent and court ordered clients. Also, funds have been provided to develop a treatment program model for adolescents.

We have expanded our support for substance abuse counseling and training for employee assistance programs and expanded our community outreach programs.

Funds have been provided to support our joint effort to develop a national model child support enforcement system to make sure absent parents meet their financial responsibilities.

Extra funds have been provided for aid to the permanently and totally disabled to allow for continued deinstitutionalization of individuals to less restrictive settings.

In our last budget we provided \$1 million to fund two major pilot programs to establish in-state facilities and professional service for



some of our most acute disability placements. These pilot efforts have been extremely successful. We are funding the continuation of these programs, and adding nearly one million dollars for the initiation of two additional projects. These activities complement the existing catastrophic aid structure and will service within our State over thirty of our most difficult specialized expensive placements.

In the Department of Safety, we have provided an additional 40 positions including 30 new troopers and law enforcement personnel. These additions will supplement our aggressive enforcement efforts against drug trafficking, substance abuse and provide improved public protection and service.

We have included funding for 15 new positions within the Attorney General's Office. These will provide for more timely, aggressive enforcement of our criminal, civil and environmental law.

This budget continues the expansion of services and, in fact, provides a significant number of additional positions to improve the quality of help to our communities.

We recognize that with the benefits of a strong economy comes the responsibility to provide for the orderly management of the growth that is stimulated. Therefore, in the area of state planning and coordination of development, a number of major additions have been provided.

These include funds and new positions for increased community assistance, updating the State development plan and expanding the Computer Based Geographic Information System, which includes making provisions for that system to assist regional and local planning efforts.

The staffing and capacity within the Office of State Planning has been upgraded and nearly a quarter of a million additional dollars has been provided to support activities in the regional planning agencies.

In the area of Recreation and Tourism, not only have we increased operating funds to make effective use of the capital investment of recent years, but we have added funds to extend the season at the State Park Facility at the summit of Mount Washington and our other state-operated recreation areas.

We have also funded additional key positions related to the promotion of our State Park System.

In order to provide for more efficient operation of our port facilities and to attract additional use of that asset, we have allocated funds specifically for the promotion and management of our free trade zone.

This budget and the proposed accompanying legislation provides up to ten million dollars each year for the acquisition of property under the New Hampshire Land Trust. The funds for these purchases will come from a portion of the Real Estate Transfer Tax and will provide for a great beginning to this very worthwhile and desirable innovation for the preservation of our precious land resources.

Funding has been provided to continue the modernization of facilities and equipment to improve the workplace and enhance the professionalism and productivity of our State employees in the delivery of services to our citizens.

Over the past four years, New Hampshire has shown that its traditional approach is not only effective, but is capable of providing breadth and quality to our programs.

This budget recognizes the value of doing what we must do as well as we can.

With your help we can keep the New Hampshire example the envy of all. Thank you.

Rep. Palumbo and Sen. Dupont moved that the Joint Convention arise.  
Adopted.

The Joint Convention adjourned.

HOUSE  
(Speaker in the Chair)

## COMMITTEE REPORTS (cont.)

HB 79-A, making a capital appropriation for Tip Top House. Ought to Pass.

This being the final phase of renovation of the Tip Top House, it is something the State should be proud of because of the quality and authenticity of the work. It will be an asset to the State of New Hampshire. If this bill is included, as part of the capital budget, it could be tabled. Vote 18-0. Rep. Maurice J. Levesque for Public Works.

Referred to Appropriations.

HB 91-FN-A, establishing a state liquor store in the town of Londonderry and making an appropriation therefor. Ought to Pass. It was determined by the Committee that there is a definite need for a liquor store in Londonderry for many reasons, including the increased population in that area. This bill has the approval of the State Liquor Commission. Vote 18-0. Rep. Ronald R. Laurion for Regulated Revenues.

Referred to Appropriations.

HB1 2008, relating to purchase, distribution and sale of table wine. Inexpedient to Legislate.

This Bill of Intent would seek to establish further study of a subject that the majority of the Committee felt had been studied enough. Any further examination of this subject could be done by a standing policy Committee of the Legislature. Vote 12-6. Rep. Clyde S. Eaton for Regulated Revenues.

Resolution adopted.

HB 65, restricting power boats on Lake Wicwas in the town of Meredith. Ought to Pass with Amendment.

This bill, as amended, restricts horsepower in excess of 10 horsepower upon Lake Wicwas in Meredith. The amendment deletes a grandfathering provision and makes the effective date January 1, 1988. Vote 15-2 Reps. Nancy C. Beaton, John B. Young and MaryAnn N. Blanchard for Resources, Recreation and Development.

## Amendment

Amend RSA 486:27 as inserted by section 1 of the bill by replacing it with the following:

486:27 Lake Wicwas. No person shall use or operate any power boat equipped with any type of power motor in excess of 10 horsepower upon Lake Wicwas in the town of Meredith. Any person who violates this section shall be guilty of a violation.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 1988.

Amendment adopted.

Ordered to third reading.

HCR 1, urging the New Hampshire delegates to the United States Congress to support legislation designating English as the official language of the United States. Inexpedient to Legislate.

Our unique strength is a variety of cultures blended together to form one language. People can and will speak their own language, but if they have the benefits of our country, they should learn English as well. Vote 12-1. Rep. Beverly A. Gage for State-Federal Relations.

Question being on the Committee report, the Speaker was in doubt and requested a division.

223 members having voted in the affirmative and 98 in the negative, the report was adopted.

HCR 2, applying to the Congress of the United States to call a convention to propose an amendment to protect the lives of the unborn. Inexpedient to Legislate.

There is no way the Legislature can or should legislate morals until the Supreme Court changes its decision on abortion, the states should delay taking any action. Vote 11-1. Rep. Beverly A. Gage for State-Federal Relations.

Rep. Granger moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion. Rep. Daniel Eaton spoke against the motion.

Rep. Granger requested a roll call. Sufficiently seconded.

YEAS 26 NAYS 323  
YEAS 26

BELKNAP: Bolduc and Dexter.

CARROLL: Schofield.

CHESHIRE: None.

COOS: Coulombe and Theriault.

GRAFTON: Howard Townsend.

HILLSBOROUGH: William Desrosiers, Donovan, Frank, Granger, Grip, Lanzara, Leclerc, Lefebvre, Paquette, Routhier and Sullivan.

MERRIMACK: Gerald Smith.

ROCKINGHAM: Cooke, Ellyson, Hynes, Sytek and Welch.

STRAFFORD: Bernard.

SULLIVAN: Domini and Ingram.

NAYS 323

BELKNAP: Bowler, Brown, Richard Campbell, Golden, Hardy, Malcolm Harrington, Hawkins, Jensen, Maviglio, Pearson, Randall, Lawrence Richardson, Thurston, Turner and Wixson.

CARROLL: Allard, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers and Saunders.

CHESHIRE: Blacketer, Clark, Cole, Corrigan, Daschbach, Jesse Davis, Delano, Doucette, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Hunt,

LaMar, Matson, Miller, Morse, Parker, Perry, Pierce, Ramsay, William Riley, Sawyer, Schwartz and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Lemire, Marsh, Mayhew, Nelson, Oleson and Purrington.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Christy, Copenhagen, Crystal, Dearborn, Densmore, Driscoll, Wayne King, LaMott, Lougee, Ezra Mann, McAvoy, Rounds, Stewart, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Baker, Beaupre, Lionel Boucher, Bourque, Boutwell, Bowers, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Cowenhoven, Cox, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Dion, Paul Dionne, Domainque, Drolet, Dube, Dupont, Dwyer, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Ruth Gage, Genest, Scott Green, Guilbert, Betty Hall, Marian Harrington, Hatch, Healy, Holden, Humphrey, Chris Jacobson, Michael Jones, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Korcoulis, Kurk, Long, Lown, Lozeau, Mason, Bonnie McCann, Messier, Moore, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Pariseau, Perham, Pignatelli, Prestipino, Price, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Sallada, Schneiderat, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler, Kenneth Wheeler, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Laurent Boucher, Cahill, James Chandler, Fillion, Fraser, Gilbreth, George E. Gordon, Hager, Douglas Hall, Hayes, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Merton Mann, Manus, Nichols, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Stio, Trombly, Tupper, Waliner, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blaisdell, Blanchard, Blanchette, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Lawrence A. Chase, Jr., Conroy, Cressy, Cushing, Drake, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, McKinney, Nagel, Palumbo, Pantelakos, Parr, Pevear, Read, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Scott, Sherburne, Skinner, Sochalski, Splaine, Tilton, Tufts, Vartanian, Walker, Warburton, Weddle, Wells and Woodward.

STRAFFORD: Appleby, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Laurion, Lussier, Martling, Musler, Parks, Peiley, Proulx, Francis Robinson, Spear, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Flint, Krueger, Lindblade, McKee, Normandin, Peyron, Rodeschin, Schotanus and Spaulding, and the motion lost.

Report adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that

all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 17 at 1:00 p.m.  
 Adopted.

LATE SESSION  
 Third reading and final passage

HB 19, relative to the election laws.  
 HB 88-FN, relative to the pesticide control board; rulemaking hearings, exemptions, and definitions.  
 HB 45, relative to maternity and infancy.  
 HB 146-FN, relative to sunset review of the department of health and human services - office of the commissioner.  
 HB 147-FN, relative to sunset review of department of health and human services - division of mental health.  
 HB 40, relative to bond given by administrators of estates.  
 HB 162-FN, relative to sunset review of the board of tax and land appeals.  
 HB 190-FN, relative to district court venue in landlord and tenant actions.  
 HBI 2009, relating to long-range financing by municipalities.  
 HB 31, relative to boating on Wakondah Pond in town of Moultonborough.  
 HB 150-FN, relative to sunset review of New Hampshire hospital.  
 HB 151-FN, relative to sunset review of veterans' home.  
 HBI 2002, relating to the New Hampshire state hospital.  
 HBI 2003, relating to the Laconia state school.  
 HBI 2006, relating to the youth development center.  
 HB 109-FN, relative to sunset review of coordinator of highway safety.  
 HB 138-FN, relative to sunset review of the department of safety - division of motor vehicles.  
 HB 145-FN, relative to sunset review of New Hampshire port authority.  
 HB 98, relative to adultery.  
 HB 18, permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary.  
 HB 65, restricting power boats on Lake Wicwas in the town of Meredith.  
 SB 11-A, relative to replacing the Hampton Beach seawall and making an appropriation therefor.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills only.  
 Adopted.

The House recessed at 12:55 p.m.

RECESS

(Rep. David Young in the Chair)

Rep. Rodeschin offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Joint Resolution numbered 2 and House Concurrent Resolution numbered 10, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HJR and HCR  
First, second reading and referral

HJR 2, urging affordable housing with regard to Mariner's Village in Portsmouth. (Weddie of Rockingham Dist. 24; Read of Rockingham Dist. 28; Pantelakos of Rockingham Dist. 24; Splaine of Rockingham Dist. 25; Hynes of Rockingham Dist. 28; Krasker of Dist. 24 - To State Institutions and Housing)

HCR 10, adopting Joint Rules for the 1987-1988 sessions. (To Joint Rules Committee)

RECESS

(Deputy Speaker Burns in the Chair)

Rep. Palumbo moved that the House adjourn.  
Adopted.



# HOUSE JOURNAL 6

*Tuesday, 17Feb87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Burns.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

O God of every time and place, of every dream and vision, visit us with Your presence as we assemble this day, and place in our hearts the gift of insight.

We are people of deeply-held convictions, otherwise we would not have been elected to these positions. It is good that we know precisely what we believe. Yet there are times when our focus is so clear and our gaze so intense that we are blinded to the contributions of others who labor beside us.

Grant, O God, that we may recognize light, whatever its source, and be drawn to wisdom, whatever label it may carry. For most of all, we desire to be faithful in our task of upbuilding this State and bringing justice and mercy to its people. So may it be, Amen.

Rep. Clark led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Boisvert, Schwaner, Robert Kelley, Manus, Ezra Mann and Dingle, the day, illness.

Reps. Bean, Holbrook, Gagnon, Olimpio, Hayes, Lionel Boucher, Boutwell, Gosselin, Michael Jones, Francis Robinson, Stonner, Hess and Locke, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

## INTRODUCTION OF GUEST

William Smallwood, son of Rep. Tilton.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 182-FN, relative to delinquent accounts of liquor permittees, was removed at the request of Rep. Chambers.  
Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 59, relative to connections from private property to public sewers. Inexpedient to Legislate.

Although the Committee sympathizes with the conditions in Salem which gave rise to this bill, testimony indicated that (1) passage of this measure would create problems throughout the State, and (2) the existing procedures of the New Hampshire Water Supply and Pollution Control Commission, if employed by a municipality, would eliminate the problem. Vote 20-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 68, relative to attendance at scheduled planning board meetings. Inexpedient to Legislate.

There is adequate legislation now to allow local planning boards to set their own attendance requirements. Vote 20-0. Rep. David M. Perry for Municipal and County Government.

HB 78-FN, relative to flying the POW-MIA flag over the state house. Ought to Pass with Amendment.

The Committee carefully reviewed the testimony of the public, gave consideration to the two flagstaffs on the dome of the State House, and weighed the number of military, veteran, fraternal organizations and patriotic societies who request that their flags be flown over the State House on special occasions. The Committee also observed that the National Colors and the POW/MIA Recognition Flag flies perpetually, as posted by the City of Concord, on North Main Street, in front of the State House. Based on all of the foregoing, the Committee is convinced that the POW/MIA Recognition Flag would receive the maximum exposure, the most attention, and the greatest honor, if it were flown with the National Colors and the New Hampshire State Flag, on the 4 most solemn and patriotic days of the year: Memorial Day, Independence Day, POW/MIA Recognition Day and Veterans' Day. Vote 16-0. Rep. David A. Young for Public Protection and Veterans Affairs.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 POW-MIA Flag; Display. Amend RSA 3 by inserting after section 3 the following new sections:

3:3-a Display of POW-MIA Flag. The POW-MIA flag shall be displayed above the state house on Memorial Day, Independence Day, POW-MIA Recognition Day (as determined by Congress), and Veterans Day until all questions concerning the fate of America's POW's and MIA's are sufficiently resolved.

3:3-b POW-MIA Flag Design. The POW-MIA flag shall be of the following color and design: The body or field shall be black and shall bear upon its center white markings which outline the silhouette of the head and shoulders of a man. To the left of this central figure shall be the outline of a guard tower, in which shall be an armed guard. A strand of barbed wire shall be to the right of the central figure. "POW-MIA" shall be written in large, white, capitalized letters at the top of the flag. Below the central design shall be 12 connected arrow feathers. Below this design shall be written "You are not forgotten." in white letters.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 244-FN-A, establishing a study committee to review existing fire laws and making an appropriation therefor. Ought to Pass with Amendment. The State Fire Marshal believes that a detailed study of the statutes, rules and codes pertinent to fire prevention, fire fighting, building

construction and the use of smoke/heat detectors will reveal discrepancies in prevention measures, inadequate inspection procedures and the need for adjustments in the location and use of smoke and heat detectors. The 16-member study committee provides broad expertise in all fields allied with the fire service. The study excludes all aspects of fire control on "lands and forests," RSA 224. Vote 16-0. Rep. Richardson D. Bentrone for Public Protection and Veterans Affairs.

#### Amendment

Amend section 2 of the bill by replacing subparagraph II(k) with the following:

(k) The president of the Professional Firefighters of New Hampshire or his designee.

(l) The state fire marshal, who shall be chairman of the committee.

Referred to Appropriations.

HB 164-FN, relative to sunset review of Connecticut River Valley flood control commission. Ought to Pass.

New Hampshire is a member of Connecticut River Flood Control Commission (CRFCC) with the states of Vermont, Massachusetts and Connecticut. A compact can best be described as a "treaty" between states, and is the legal basis by which New Hampshire receives compensation for losses due to flood control projects along the Connecticut River. The Sunset Review Report recommended that protection of the State's interests is necessary, that it would not be advisable to withdraw from the compact. The Committee by a 12-0 vote concurred with the Sunset report's conclusions. Rep. Charles L. Vaughn for Resources, Recreation and Development.

HB 170-FN, relative to sunset review of Merrimack River flood control commission. Ought to Pass.

New Hampshire is a member of Merrimack River Flood Control Commission (MRFCC) with the Commonwealth of Massachusetts. This compact is the only legal basis by which New Hampshire receives compensation for losses due to the flood control projects along the Merrimack River. The Committee on a 12-0 vote agrees with the Sunset Committee Report that the MRFCC should be renewed under the Sunset Law. Rep. Charles L. Vaughn for Resources, Recreation and Development.

HB 43, relative to eligibility for admittance to the New Hampshire veterans' home. Ought to Pass.

With the passage of this bill eligibility for admittance to the Veterans' Home will be brought into compliance with federal regulations. Vote 10-0. Rep. Edna Pearl F. Parr for State Institutions and Housing.

HB 90, relative to membership on the New Hampshire automated information systems board. Ought to Pass with Amendment.

This bill was requested by the Library Council. It changes existing law by adding the Commissioner of Libraries, Arts, and Historical Resources, and the State Librarian to membership of the Automated Systems Board. It further eliminates certain statutory membership of certain librarians and grants the Commissioner of Libraries the authority to appoint to the Board persons from the community at large, in addition to those who are appointed from State government and the library community. The amendment removes limiting language which would have reduced autonomy of local systems. Vote 9-0. Rep. Karen McKae for State Institutions and Housing.

## Amendment

Amend RSA 201-A:24 as inserted by section one of the bill by replacing it with the following:

201-A:24 Automated Information Systems Board; Membership. There is hereby established the New Hampshire automated information systems board. The board shall consist of [the assistant state librarian or an employee of the division of libraries, an additional employee of the division of libraries engaged in technical library services as designated by the commissioner of libraries, arts and historical resources, one representative appointed by the speaker of the house, one senator appointed by the senate president, one academic librarian appointed by the executive board to the academic librarians chapter of the New Hampshire library association, 2 public librarians appointed by the executive board of the New Hampshire library association, one librarian representing special libraries to be appointed by the state librarian, one school librarian appointed by the executive board of the New Hampshire educational media association, one attorney who shall be a member of the New Hampshire bar] the commissioner of libraries, arts, and historical resources, the state librarian, and such additional [persons from state government and the library community as the commissioner of the department of libraries, arts and historical resources shall deem necessary to further the purposes of this subdivision. The 2 employees of the division of libraries shall be ex-officio members of the board. Each appointed member of the board shall serve staggered 3 year terms. Of the initial appointees, 1/3 shall serve a term of one year, 1/3 shall serve a term of 2 years, and 1/3 shall serve a term of 3 years. If the total number of appointees is not divisible by 3, the initial appointments shall be made so as to ensure staggered 3-year terms. Each member so appointed shall hold office until his successor shall be appointed and qualified] personnel as the state librarian deems advisable. There shall be one representative appointed by the speaker of the house and one senator appointed by the senate president. Each local system shall appoint at least one representative empowered to speak for the local system. The commissioner shall appoint one attorney who shall be a member of the New Hampshire bar and such additional persons from state government and the community as the commissioner shall deem advisable to further the purposes of this subdivision. The board shall coordinate activities of the local systems and engage in long-range planning.

HB 172-FN, relative to sunset review of New Hampshire housing finance authority. Ought to Pass.

The Committee voted unanimously for passage of this legislation which will renew the New Hampshire Housing Finance Authority for 6 years. The Committee will continue to study the Housing Finance Authority with a goal of introducing legislation in the next session to improve it. Vote 9-0. Rep. Judy E. Reardon for State Institutions and Housing.

COMMITTEE REPORTS  
(Regular Calendar)

HB 72-FN-A, establishing the position of international trade specialist in the small business development center of the university system of New Hampshire at the college in Manchester. Inexpedient to Legislate.

The Committee agreed that this bill has merit. It was decided that private industry is making excellent progress in this direction and should continue without obligating the State to additional funding. Vote 11-3. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

Rep. Wayne King moved that HB 72-FN-A be made a Special Order for Thursday, February 19 at 1:30 p.m. and spoke to his motion.  
Adopted.

CACR 1, relating to qualifications of senators. Providing that the residency requirement shall be 4 years. Inexpedient to Legislate. There has been no great outcry for change. The Committee feels that the current residency requirement is adequate and has worked well in the past. Vote 15-0. Rep. Matthew J. Locke for Constitutional and Statutory Revision.

Report adopted.

CACR 2, relating to the term of the governor. Providing that the term shall be 4 years. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: The majority of the Committee supports a four-year term for Governor. Over 62 percent of the voters favored this in 1984. In 1985 and in 1986 the New Hampshire House voted in favor of this resolution. The majority of the Committee feels that the voters should be given a chance to vote on it in 1988. Vote 9-6. Rep. Carol H. Holden for the Majority of Constitutional and Statutory Revision.

MINORITY: The minority believes that a four-year term for Governor will further distance the government from the people. This amendment has been turned down by voters 3 times and has been proposed to the Legislature 10 times. Rep. Matthew J. Locke for the Minority of Constitutional and Statutory Revision.

Rep. Powers moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Reps. Joseph Eaton, Holden, Hawkins and Densmore spoke against the motion.

Reps. Welch and Stewart spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 111 NAYS 249

YEAS 111

BELKNAP: Richard Campbell, Golden, Jensen, Thurston and Wixson.

CARROLL: Allard, Gene Chandler, McIntire and Powers.

CHESHIRE: Doucette, Hunt, LaMar, Pierce and David Young.

COOS: Brady, Brungot, Coulombe, Frederic Foss, Guay, Kilbride, Lemire and Nelson.

GRAFTON: Bennett, Christy, Dearborn, Driscoll, McAvoy, Rounds, Stewart and Weymouth.

HILLSBOROUGH: Alukonis, Beaupre, Burkush, A. Leslie Burns, Chretien, Gerard Desrochers, William Desrosiers, Domaingue, Dwyer, Frank, Granger, Scott Green, Guilbert, Hatch, Healy, Leclerc, Levesque, Magee, McRae, Messier, Robert Murphy, Nixon, Paquette, Perham, Prestipino, Schneiderat, Steiner, Sullivan, Vanderlosk, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Laurent Boucher, Gilbreth, George E. Gordon, Kidder, Burton Knight, Lewis, Merton Mann, Nichols, Philbrick, Rehlander and Whittemore.



ROCKINGHAM: Gordon Arnold, Benton, Butler, Carpenito, Lawrence A. Chase, Jr., Drake, Felch, Harry Flanders, John Flanders, Gourdeau, Haynes, Hoar, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, McKinney, Pevear, Ritzo, Schmidtchen, Simon, Sytek, Tufts, Vaughn, Warburton, Welch and Wells.

STRAFFORD: Appleby, Bernard, Albert Dionne, Frechette, Kincaid, Koromilas, Lussier, Martling, Musler and Spear.

SULLIVAN: Cutting and McKee.

## NAYS 249

BELKNAP: Bolduc, Bowler, Brown, Dexter, Hardy, Malcolm Harrington, Hawkins, Maviglio, Pearson, Randall, Lawrence Richardson and Turner.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Saunders and Schofield.

CHESHIRE: Arnott, Blacketor, Clark, Cole, Corrigan, Daschbach, Jesse Davis, Delano, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Matson, Miller, Morse, Parker, Perry, Ramsay, William Riley, Sawyer and Schwartz.

COOS: Horton, Marsh, Mayhew, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Blair, Chambers, Copenhaver, Crystal, Densmore, Hammond, Wayne King, Lougee, Scanlan, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Baker, Baldizar, Bass, Bourque, Bowers, Buckley, Champagne, Cid, Cote, Cowenhoven, Cox, Cusson, Daigle, Ann Derosier, William Dion, Paul Dionne, Donovan, Drolet, Dube, Ducharme, Dupont, Durant, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Ruth Gage, Genest, Grip, Betty Hall, Marian Harrington, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Donna Kelly, Alice Knight, Korcoulis, Kurk, Lanzara, Lefebvre, Lown, Lozeau, Mason, Bonnie McCann, Moore, Morrisette, Mulligan, O'Rourke, Packard, Pappas, Pariseau, Pignatelli, Price, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Routhier, Sallada, Shriver, Leonard Smith, Soucy, Stiles, Tarpley, Turgeon, Wagner, Ware, Watson, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Cahill, James Chandler, Fillion, Fraser, Gross, Hager, Douglas Hall, Alf Jacobson, C. William Johnson, Manus, Millard, Pantzer, Phelps, Walter Robinson, Gerald Smith, Stio, Tupper, Wallner, West and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Blaisdell, Blanchard, Blanchette, William Boucher, Buco, Eunice Campbell, Marilyn Campbell, Conroy, Cooke, Cressy, Cushing, Fesh, Flanagan, Beverly Gage, Thomas Gage, Elizabeth Greene, Hollingworth, Hynes, Joyce, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, Nagel, Newell, Palumbo, Pantelakos, Parr, Popov, Read, Rosencrantz, Sanderson, Scott, Sherburne, Skinner, Sochalski, Tilton, Vartanian, Walker, Weddle, Woodward and Wright.

STRAFFORD: Bates, Callaghan, Casey, Chamberlin, Anita Flynn, Edward Flynn, Patricia Foss, Jean, Robert Jones, Sandra Keans, Kinney, Lachance, Laurion, William McCann, Parks, Pelley, Proulx, Swope, Ann Torr, Ralph Torr, Wail, Wilson and John Young.



SULLIVAN: Behrens, Brodeur, D'Amante, Domini, Flint, Ingram, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Question now being on the Committee report, Ought to Pass.

248 members having voted in the affirmative and 111 in the negative, the report was adopted by the constitutional requirement of three-fifths. Ordered to third reading.

CACR 5, relating to guns in courtrooms. Providing that law enforcement officers on duty may wear their weapons in state courtrooms. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The New Hampshire Constitution provides us with the three divisions of government, the Legislative, the Executive, and the judicial. We have a society where we consider these all equal, but separate. This proposed Constitutional Amendment would have the Legislature and Executive intrude into the independence of the Judiciary. Vote 8-7. Rep. Betty B. Hall for the Majority of Constitutional and Statutory Revision.

MINORITY: The Minority feels that the measure is in accord with the will and wishes of the majority of citizens in New Hampshire and should be placed on the ballot in November 1988 for the people to vote upon. Rep. Matthew J. Locke, David A. Pierce, Ellen M. Cressy, Charles J. Leclerc and Benjamin C. Newell for the Minority of Constitutional and Statutory Revision.

Rep. George Gordon moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Betty Hall and Joseph Eaton spoke against the motion.

Reps. Shriver, Dexter and Cressy spoke in favor of the motion.

Reps. Powers, Sytek and Bass spoke against the motion and yielded to questions.

Rep. Magee spoke in favor of the motion and yielded to questions.

YEAS 131 NAYS 228

YEAS 131

BELKNAP: Bolduc, Dexter, Golden, Hardy, Malcolm Harrington, Jensen, Randall, Lawrence Richardson and Thurston.

CARROLL: Gene Chandler, Dickinson, Hounsell, Kenneth MacDonald and Schofield.

CHESHIRE: Clark, Corrigan, Daniel Eaton, Frink, Irvin Gordon, Grodin, Pierce and David Young.

COOS: Coulombe, Guay, Horton, Kilbride, Lemire and Theriault.

GRAFTON: Blair, Christy, Dearborn, McAvoy, Howard Townsend and Weymouth.

HILLSBOROUGH: Barbara Arnold, Baker, Buckley, Cusson, Daigle, Gerard Desrochers, Paul Dionne, Domainque, Ducharme, Dykstra, Fields, Ruth Gage, Granger, Guilbert, Humphrey, Korcoulis, Leclerc, Levesque, Magee, Mason, Moore, Morrisette, Packard, Perham, Reidy, Herbert Richardson, Routhier, Sallada, Shriver, Steiner, Stiles, Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Asplund, Austin, Laurent Boucher, Fraser, George E. Gordon, Gross, Mary Holmes, C. William Johnson, Manus, Phelps, Gerald Smith and Whittemore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blaisdell, William Boucher, Eunice Campbell, Lawrence A. Chase, Jr., Cooke, Cressy, Drake, Felch, Fesh, Harry Flanders, John Flanders, Thomas Gage, Hynes, Roger King, Mace, Magoon, McKinney, Newell, Palumbo, Pantelakos, Schmidtchen, Sochalski, Walker, Warburton, Welch, Wells and Wright.

STRAFFORD: Appleby, Bernard, Casey, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Jean, Kincaid, Lachance, Lussier, Musler, Swope and Wall.

SULLIVAN: Brodeur, Domini, Ingram, Lindblade, Normandin, Peyron and Spaulding.

NAYS 228

BELKNAP: Bowler, Brown, Richard Campbell, Hawkins, Pearson, Turner and Wixson.

CARROLL: Allard, Russell Chase, Robert Holmes, McIntire, Powers and Saunders.

CHESHIRE: Arnott, Blacketor, Daschbach, Jesse Davis, Delano, Doucette, Foster, Hunt, LaMar, Matson, Miller, Morse, Parker, Perry, Ramsay, William Riley, Sawyer and Schwartz.

COOS: Brady, Brungot, Frederic Foss, Marsh, Mayhew, Nelson, Oleson and Purrington.

GRAFTON: Adams, Arnesen, Bennett, Chambers, Copenhaver, Crystal, Densmore, Driscoll, Hammond, Michael King, Wayne King, LaMott, Lougee, Rounds, Scanlan, Stewart, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Baldizar, Bass, Beaupre, Bourque, Bowers, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Cowenhoven, Cox, Ann Derosier, William Desrosiers, William Dion, Donovan, Drolet, Dube, Dupont, Dwyer, Clyde Eaton, Joseph M. Eaton, Nancy Ford, Frank, Genest, Scott Green, Grip, Betty Hall, Marian Harrington, Hatch, Healy, Holden, Chris Jacobson, Cornelius Keane, Keefe, Donna Kelly, Alice Knight, Kurk, Lanzara, Lefebvre, Lown, Lozeau, Bonnie McCann, McRae, Messier, Mulligan, Robert Murphy, Nixon, O'Rourke, Pappas, Paquette, Pariseau, Pignatelli, Prestipino, Price, Reardon, Ellen-Ann Robinson, Schneiderat, Leonard Smith, Soucy, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner, Watson, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Cahill, James Chandler, Fillion, Gilbreth, Hager, Douglas Hall, Alf Jacobson, Kidder, Burton Knight, Lewis, Lockwood, Merton Mann, Millard, Pantzer, Philbrick, Rehlander, Stio, Tupper, Wallner, West and Yeaton.

ROCKINGHAM: Gordon Arnold, Blanchette, Buco, Butler, Marilyn Campbell, Carpenito, Conroy, Cushing, Flanagan, Beverly Gage, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Lovejoy, Maurice MacDonald, Malcolm, William F. McCain, McGovern, Nagel, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Scott, Sherburne, Simon, Skinner, Splaine, Sytek, Tilton, Tufts, Vartanian, Vaughn, Weddle and Woodward.

STRAFFORD: Bates, Callaghan, Patricia Foss, Frechette, Robert Jones, Sandra Keans, Kinney, Koromilas, Laurion, Martling, William McCann, Parks, Pelley, Proulx, Spear, Ann Torr, Ralph Torr, Wilson and John Young.

SULLIVAN: Behrens, Cutting, D'Amante, Flint, Krueger, McKee, Rodeschin, Schotanus and Sara Townsend, and the motion lost.

Question being on the Committee report, Inexpedient to Legislate.  
Report adopted.

HB 15, relative to the placement of candidates' names on ballots.  
Ought to Pass with Amendment.

This bill corrects an inequity in the listing of candidates' names in the ballot for the General Court. Instead of listing candidates' names alphabetically, the amendment allows for the random selection of a letter from the alphabet to determine the first surname to be listed on the ballot, the others to follow alphabetically. This bill, therefore, eliminates any advantage which may accrue to a candidate with a surname like mine. Vote 16-0. Rep. Charles F. Bass for Constitutional and Statutory Revision.

#### Amendment

Amend the bill by replacing sections 1, 2, and 3 with the following:

1 Order of Candidates' Names. Amend RSA 656:5 to read as follows:

656:5 Party Columns. The names of all candidates nominated in accordance with the election laws shall be arranged upon the state general election ballot in successive party columns. The alphabetical order of all the candidates' surnames in the party columns shall be randomly determined once every 2 years. On the first Tuesday of June of each state primary and general election year, the secretary of state shall randomly select a letter of the alphabet and proceed with listing, in alphabetical order beginning with that letter, of all the candidates' surnames in the party columns. Each separate column shall contain the names of the candidates of one party; except that, if only a part of a full list of candidates is nominated by a political party, 2 or more such lists may be arranged whenever practicable in the same column. The first column shall contain the names of the candidates of the party which received the largest number of votes at the last preceding state general election.

2 Order of State Representative Surnames. Amend RSA 656:24 to read as follows:

656:24 Order of Names. With the exception of the office of state representative, whenever there are 2 or more candidates for nomination to the same office, the names of such candidates shall be alternated on the state primary election ballots used so that each name shall appear thereon as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list in which it belongs. [Names of candidates for nomination to the office of state representative shall be arranged in the alphabetical order of their surnames.] On the first Tuesday of June of each state primary and general election year, the secretary of state shall randomly select a letter of the alphabet and proceed with listing, in alphabetical order beginning with that letter, the surnames of the candidates for nomination to the office of state representative, as he shall have determined pursuant to RSA 656:5.

3 Application. The provisions of this act shall first apply to the state primary and state general election ballots used in 1988.

Rep. Bass yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 16, increasing the number of write-in votes required for a candidate to accept the nomination of a different party. Ought to Pass with Amendment.

This bill, as amended, provides that the minimum write-in votes necessary for a candidate to receive the nomination of another party shall be 25 percent of the total votes cast for that party during the primary. The Committee expressed concern that the present 10 vote minimum allows too many candidates to be on both sides of the ballot. Vote 17-0. Rep. Edward Densmore for Constitutional and Statutory Revision.

Rep. Densmore moved that HB 16 be recommitted to the Committee on Constitutional and Statutory Revision and spoke to his motion. Motion adopted.

HB 32, relative to the election of the chairman of the university system study committee. Ought to Pass.

The majority felt that it was more important that the Joint Committee get its work done, rather than alternate the Chair between the House and Senate Education Chairs. The testimony of former members of the Committee was that the Joint Committee, in all its history, had only once called meetings and submitted a report, and that was when the Joint Committee had chosen its own Chair. Vote 14-3. Rep William A. Riley for Education.

Ordered to third reading.

HB 75-FN-A, relative to registration fees for pesticide products and making an appropriation to the division of pesticide control. Ought to Pass with Amendment.

The Division of Pesticide Control, New Hampshire Department of Agriculture, has experienced a substantial increase in its workload, while federal assistance for its programs is decreasing. The bill would increase economic pesticides registration fees from \$20 to \$33 per product and appropriate \$50,000 to the Division for FY 88 and FY 89 to maintain the very effective pesticide control program at its current level. The \$13 increase in fees would generate approximately \$50,000 additional revenue per year. Vote 20-0. Rep. Merle W. Schotanus for Environment and Agriculture.

#### Amendment

Amend RSA 430:38, III as inserted by section 1 of the bill by replacing it with the following:

111. The registrant shall pay an annual fee of [\$20] \$33 for each pesticide registered. [The fees collected under this section constitute a special pesticide control fund, which does not lapse but may be used at any time to carry out the provisions of this subdivision.]

Amendment adopted.

Referred to Appropriations.

HB 175-FN, relative to sunset review of standardbred breeders and owners development agency. Ought to Pass with Amendment.

This bill terminates the Sire Stakes Program as recommended by the Sunset Committee. It also repeals RSA 284:23, II, the pari-mutuel tax which provided the fund for sire stakes. Vote 15-0. Rep. Ralph W. Torr for Environment and Agriculture.

#### Amendment

Amend the title of the bill by replacing the title of the bill with the following:

## AN ACT

terminating the standardbred breeders  
and owners development agency.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal; Termination of the Standardbred Breeders and Owners Development Agency. RSA 435:6, 435:7, 435:8, 435:9, and 435:10, relative to the standardbred breeders and owners development agency, is repealed.

2 Pari-Mutuel Tax Revenues. Amend RSA 284:23, II(b) to read as follows:

(b) Of the amount so paid to the state treasurer under subparagraph (a) a sum equal to 1/4 of one percent shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture, [a sum equal to 1/2 of one percent of the pari-mutuel wages at all race tracks shall be deposited in the sire stakes fund established by RSA 435:10] and the balance shall be distributed according to RSA 284:2.

3 Phasing Out of Agency. The standardbred breeders and owners development agency shall have the 9-month wind-up period provided for in RSA 17-G:7, and any unexpended appropriations shall not lapse until this 9-month period has expired.

4 Effective Date.

I. Section 1 of this act shall take effect April 1, 1988.

II. Sections 2 and 3 of this act shall take effect July 1, 1987.

This bill as amended repeals the statutory references to the standardbred breeders and owners development agency, and allows the agency the 9-month period to wind up its affairs under RSA 17-G:7.

Amendment adopted.

Ordered to third reading.

HB 37, relative to the emergency management act. Ought to Pass with Amendment.

There are no striking changes, this bill updates the existing Civil Defense Statute, initially enacted in 1953, many sections, phrases and words now being obsolete. The name of the Civil Defense Agency is changed to the "Emergency Management Agency," to be in line with other states, and with the Federal Emergency Management Agency. The membership of the Emergency Management Advisory Council is refined and expanded, in the basic bill and in the amendment, to now include a Mayor, a Selectman, a County Commissioner and a representative of private industry. Vote 16-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

## Amendment

Amend RSA 107-C:4, VIII as inserted by section 1 of the bill by replacing it with the following:

VII. To cooperate with the president of the United States and the commanders of the United States armed forces, the Emergency Management Agency of the United States, and other appropriate federal officers and agencies of other states in matters pertaining to the emergency management of the state and nation, including the direction and control of:

(a) Drills, mobilization of emergency management forces, and other tests and exercises;



- (b) Warnings and signals for drills or actual emergencies and the mechanical devices to be used in connection with them; and
- (c) The evacuation and reception of the civilian population.

Amend RSA 107-C:6, I (n), (o), (p), (q), (r) and (s), as inserted by section 1 of the bill by replacing them with the following:

- (n) The commissioner of environmental services,
- (o) The speaker of the house of representatives,
- (p) The president of the senate,
- (q) One representative of private industry appointed by the governor; and
- (r) One mayor of a city, one selectman of a town, and one county commissioner appointed by the governor.

Amendment adopted.

Referred to Appropriations.

HB 93, changing the date for observance of Memorial Day. Inexpedient to Legislate.

Those who testified were emphatic in their belief, and at times emotional. The vote of the Committee indicated that the great majority of the Committee was of the opinion that "respect, honor and tradition" should be the deciding factors, over "money, pleasure and convenience" in determining the date of Memorial Day. Vote 13-3. Rep. Alfred Ellyson for Public Protection and Veterans Affairs.

Rep. Ellen-Ann Robinson moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to her motion.

Reps. Levesque, Emma Wheeler, Randall and Benton spoke against the motion and yielded to questions.

Reps. Hager and Corrigan spoke in favor of the motion.

Reps. Fields and Welch spoke against the motion.

Rep. Matson spoke in favor of the motion and yielded to questions.

Rep. Benton requested a roll call. Sufficiently seconded.

YEAS 168 NAYS 193  
YEAS 168

BELKNAP: Bowler, Hardy, Malcolm Harrington and Hawkins.

CARROLL: Robert Holmes, Kenneth MacDonald and Powers.

CHESHIRE: Arnott, Corrigan, Doucette, Daniel Eaton, Hunt, Matson, Miller, Pierce, Ramsay, William Riley and Schwartz.

COOS: Lemire and Oleson.

GRAFTON: Arnesen, Bennett, Chambers, Copenhagen, Crystal, Densmore, Hammond, Michael King, Wayne King, Lougee, Rounds, Scanlan, Stewart, Wadsworth, Walter and Ward.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Baldizar, Bass, Bourque, Buckley, Chretien, Cid, Cote, Cusson, Ann Derosier, Gerard Desrochers, William Dion, Donovan, Drolet, Dube, Durant, Dwyer, Dykstra, Joseph M. Eaton, Nancy Ford, Frank, Ruth Gage, Genest, Grip, Guilbert, Betty Hall, Marian Harrington, Holden, Chris Jacobson, Donna Kelly, Alice Knight, Korcoulis, Leclerc, Lown, Mason, Mulligan, Nixon, O'Rourke, Pappas, Perham, Pignatelli, Prestipino, Reardon, Ellen-Ann Robinson, Schneiderat, Shriver, Stiles, Tarpley, Turgeon, Wagner, Watson and Winn.



MERRIMACK: Bardsley, Beaton, Cahill, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, C. William Johnson, Burton Knight, Lewis, Lockwood, Merton Mann, Manus, Nichols, Rehlander, Walter Robinson, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Marilyn Campbell, Carpenito, Conroy, Cressy, Cushing, Fesh, Flanagan, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Lovejoy, Maurice MacDonald, Malcolm, McGovern, McKinney, Nagel, Pantelakos, Parr, Pevear, Popov, Read, Sanderson, Scott, Skinner, Splaine, Sytek, Vartanian, Vaughn and Walker.

STRAFFORD: Callaghan, Anita Flynn, Edward Flynn, Patricia Foss, Jean, Robert Jones, Sandra Keans, Kinney, Laurion, Martling, Parks, Proulx, Ann Torr, Wall and Wilson.

SULLIVAN: Behrens, Brodeur, Flint, Krueger, Lindblade, Normandin, Peyron, Schotanus, Spaulding and Sara Townsend.

## NAYS 193

BELKNAP: Bolduc, Brown, Richard Campbell, Dexter, Golden, Jensen, Pearson, Randall, Lawrence Richardson, Thurston, Turner and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Hounsell, McIntire, Saunders and Schofield.

CHESHIRE: Blacketor, Clark, Cole, Daschbach, Jesse Davis, Delano, Foster, Frink, Irvin Gordon, Grodin, LaMar, Morse, Parker, Perry, Sawyer and David Young.

COOS: Brady, Brungot, Coulombe, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew, Nelson, Purrington and Theriault.

GRAFTON: Adams, Blair, Christy, Dearborn, Driscoll, LaMott, McAvoy, Howard Townsend, Weymouth and Whitcomb.

HILLSBOROUGH: Alukonis, Baker, Beaupre, Bowers, Burkush, A. Leslie Burns, Champagne, Cowenhoven, Cox, Daigle, William Desrosiers, Paul Dionne, Domaingue, Ducharme, Dupont, Clyde Eaton, Fields, Granger, Scott Green, Hatch, Healy, Humphrey, Cornelius Keane, Keefe, Kurk, Lanzara, Lefebvre, Levesque, Lozeau, Magee, Bonnie McCann, McRae, Messier, Moore, Morrisette, Robert Murphy, Packard, Paquette, Pariseau, Price, Reidy, Herbert Richardson, Routhier, Sallada, Leonard Smith, Soucy, Steiner, Sullivan, Vanderlosk, Ware, Emma Wheeler, Kenneth Wheeler, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Laurent Boucher, George E. Gordon, Alf Jacobson, Kidder, Pantzer, Phelps, Philbrick, Gerald Smith, Stio, Tupper, West and Whittemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, Blaisdell, William Boucher, Buco, Butler, Eunice Campbell, Lawrence A. Chase, Jr., Cooke, Drake, Felch, Harry Flanders, John Flanders, Beverly Gage, Hoar, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Mace, Magoon, William F. McCain, Newell, Palumbo, Ritzo, Rosencrantz, Schmidtchen, Sherburne, Simon, Sochalski, Tilton, Tufts, Warburton, Weddle, Welch, Wells, Woodward and Wright.

STRAFFORD: Appleby, Bates, Bernard, Casey, Chamberlin, Albert Dionne, Frechette, Kincaid, Koromilas, Lachance, Lussier, William McCann, Musler, Peiley, Spear, Swope, Ralph Torr and John Young.

SULLIVAN: Cutting, D'Amante, Domini, Ingram, McKee and Rodeschin, and the motion lost.

Rep. Mary Holmes notified the Clerk that she wished to be recorded against the substitute motion.

Resolution adopted.

HB 193-FN-A, relative to liquor store relocation and making an appropriation therefor. Ought to Pass with Amendment.

The Committee supports the relocation of the Suncook/Allentown liquor store to a more accessible and more visible location on Route 3. The amendment deletes a paragraph which was not necessary. Vote 16-0. Rep. Robert Fesh for Regulated Revenues.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$136,100 for the fiscal year ending June 30, 1988, and the sum of \$36,100 for the fiscal year ending June 30, 1989, are hereby appropriated to the state liquor commission to effect the purpose of RSA 177:1-a, II by moving the Suncook store to, and reestablishing such store in, Allentown. These appropriations are in addition to any other funds appropriated to the state liquor commission. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 3 with the following:

#### 3 Effective Date.

I. Section 2 of this act shall take effect July 1, 1987.

II. The remainder of this act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 182-FN, relative to delinquent accounts of liquor permittees. Inexpedient to Legislate.

The subject content of this bill is being addressed in another bill that is being heard. Delinquent accounts of liquor permittees handling was a recommendation of the Sunset Committee and will be handled by the Regulated Revenues Committee in its deliberation on its sunset bills affecting the Liquor Commission. Vote 16-0. Rep. Robert N. Kelley for Regulated Revenues.

Rep. Phelps yielded to questions.

Resolution adopted.

#### VACATE

Rep. Robert Jones moved that the House vacate the reference of HB 516, relative to wiretapping in drug investigations, to the Committee on Children, Youth and Elderly Affairs.

Adopted.

The Speaker referred HB 516 to the Committee on Judiciary.

#### ENROLLED BILLS REPORT

SB 11, relative to replacing the Hampton Beach seawall and making an appropriation therefor.

Rep. Natalie S. Flanagan  
Sen John P.H. Chandler, Jr.  
For the Committee.

Rep. Palumbo addressed the House briefly:

Deputy Speaker Burns, in the absence of Speaker Scamman, who is attending the funeral of the late Representative Ted Romoli, you have discharged the duties of Speaker in a most honorable fashion.

I hope I speak for the entire House when I say that you have presided over the business of the day with dignity and fairness, and for this we thank you.

Rep. Phelps moved that Rep. Palumbo's remarks be printed in the Journal.

Adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 19 at 1:00 p.m.

Adopted.

#### LATE SESSION

#### Third reading and final passage

HB 78-FN, relative to flying the POW-MIA flag over the state house.

HB 164-FN, relative to sunset review of Connecticut River Valley flood control commission.

HB 170-FN, relative to sunset review of Merrimack River flood control commission.

HB 43, relative to eligibility for admittance to the New Hampshire veterans' home.

HB 90, relative to membership on the New Hampshire automated information systems board.

HB 172-FN, relative to sunset review of New Hampshire housing finance authority.

CACR 2, relating to the term of the governor. Providing that the term shall be 4 years.

HB 15, relative to the placement of candidates' names on ballots.

HB 32, relative to the election of the chairman of the university system study committee.

HB 175-FN, terminating the standardbred breeders and owners development agency.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports.

Adopted.

The House recessed at 3:20 p.m.

RECESS

(Deputy Speaker Burns in the Chair)

#### SENATE MESSAGE

#### REQUESTS CONCURRENCE

SB 12, relative to the operation of motors on Clarksville Pond in the area of Clarksville.

SB 27-FN, relative to the commemorative rifle or shotgun lottery.

SB 29, relative to the appointment of a caretaker for the "Old Man of the Mountain."

SCR 1, commemorating the Melvin Village Community Church in Tuftonboro.

SB 8, granting counties the authority to acquire and operate public utilities.

SB 19, relative to the liability of a trapper for an unlicensed dog and the trapper's report of catch.

SB 28-FN, relative to naming an unnamed route between state Route 175 and U.S. Route 3, in the towns of Holderness and Plymouth, Route 175-A.

SB 31-FN-A, relative to the department of health and human services, and making an appropriation therefor.

SB 16, allowing the award of attorney fees, court costs, and reimbursement of collection agency fees in actions to collect debts.

Rep. Beverly Gage offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 31, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

#### INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 31-FN-A, relative to the department of health and human services, and making an appropriation therefor. (To Appropriations)

RECESS

(Speaker in the Chair)

Rep. Bates moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 7

*Thursday, 19Feb87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Perfect God, we give thanks to You this day for the vast variety in which You have created us. Believing that You have given life and breath to all things, it staggers us to see the different ways in which we have been fashioned.

Gathered in this one assembly we can easily see ways in which we differ: Tall and short, heavy and thin, light and dark, able-bodied and inconvenienced, young and no longer young; help us to give thanks for these differences which enrich us.

And yet, O God, we cannot see below the surface. We do not know what is in the hearts of those beside us. Sometimes we cannot even tell what is in our own hearts. We pray that You will be able to see, and to understand what motivates us as we engage in our work this day. Amen.

Rep. Pearson led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Schwaner, Manus, Boisvert, Wadsworth, Russell Chase, Dickinson, Buco and George Gordon, the day, illness.

Reps. Bonnie McCann, Olimpio, Humphrey, Boutwell, Lionel Boucher, Gagnon, Bean, Cahill, Schofield, Ahrens, Wagner, Scanlan, Gordon Arnold, Nagel, Michael Jones, Miller and Stonner, the day, important business.

Reps. Joseph MacDonald and William McCain, the day, illness in the family.

## INTRODUCTION OF GUESTS

Fay Sawyer, Ellen Headman, Caroline and Alex Headman, wife, daughter and grandchildren of Rep. Sawyer; James and Rachael Kilbride, James, Melissa and Philip Kilbride, son, daughter-in-law and grandchildren of Rep. Kilbride; David Roney, guest of Rep. Knight; Winthrop Well, brother of Rep. Wells; Dr. Corazon Cid, husband of Rep. Cid; guests who have served as Senate pages for the day, Aaron-David and Seth Wall, sons of Rep. Wall.

## SENATE MESSAGES CONCURRENCE

HB 23, relative to halfway houses.

HB 28, relative to retention schedules for depository libraries.

## REQUESTS CONCURRENCE

SB 35, relative to the filing of capital improvement plans by municipalities and the effect of failure to file.

SB 41, relative to unclassified state employees.

SB 42, relative to employees of the sweepstakes commission.

## VACATES

Rep. Pearson moved that the House vacate the reference of HB 637-FN, relative to base development at Mount Sunapee, to the Committee on Public Works.

Adopted.

The Speaker referred HB 637 to the Committee on Resources, Recreation and Development.

Rep. Tufts moved that the House vacate the reference of HB 314-FN-A, providing assistance to school districts for the purpose of replacing underground storage tanks and making an appropriation therefor, and HB 389, relative to postsecondary education requirements for funeral directors, to the Committee on Education.

Adopted.

The Speaker referred HB 314 to the Committee on Resources, Recreation and Development, and HB 389 to the Committee on Executive Departments and Administration.

Rep. Joseph Eaton moved that the House vacate the reference of HB 473, relative to the recall of local officials, to the Committee on Constitutional and Statutory Revision.

Adopted.

The Speaker referred HB 473 to the Committee on Municipal and County Government.

Rep. Hawkins moved that the House vacate the reference of HB 594-FN, establishing a victims' assistance program and a victims' assistance fund, to the Committee on Executive Departments and Administration.

Adopted.

The Speaker referred HB 594 to the Committee on Judiciary.

Rep. Hawkins moved that the House vacate the reference of HB 667-FN, relative to salaries for unclassified employees in the department of safety, to the Committee on Executive Departments and Administration.

Adopted.

The Speaker referred HB 667 to the Committee on Public Protection and Veterans Affairs.

Rep. Hawkins moved that the House vacate the reference of HB 508, authorizing transfers within a program appropriation unit of the department of health and human services, to the Committee on Executive Departments and Administration.

Adopted.

The Speaker referred HB 508 to the Committee on Health and Human Services.

Rep. Parker moved that the House vacate the reference of HB 429, allowing the commissioner of corrections to delegate authority in his absence to the assistant commissioner, to the Committee on State Institutions and Housing.

Adopted.

The Speaker referred HB 429 to the Committee on Executive Departments and Administration.



Rep. Nichols moved that the House vacate the reference of HB 576-FN, relative to workers' compensation lump sum payments and state retirement benefits, to the Committee on Labor, Industrial and Rehabilitative Services.

Adopted.

The Speaker referred HB 576 to the Committee on Executive Departments and Administration.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 291, relative to cosmetology, was removed at the request of Rep. Dykstra.

HB 222-FN, permitting the city of Claremont to hold its city election on the same day the state general election is held, was removed at the request of Rep. Wright.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 41, providing that the condemnee shall have first option to purchase any property condemned by eminent domain, if said property is abandoned for any reason by condemnor. Re-Refer to Committee.

The Committee unanimously agreed that this subject needs additional study. The bill has merit and a need for this type of legislation is apparent. The Committee needs time to gather necessary information to improve the intent. Vote 18-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

HB 67, relative to urea-formaldehyde. Ought to Pass with Amendment. The Committee felt that this bill needed to be tightened up as suggested by the sponsor and Dr. Brian Strohm of Public Health. It will offer additional protection to consumers. Vote 17-0. Rep. Sara M. Townsend for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by replacing all after section 1 with the following:

2 Prohibition. Amend RSA 339-A:9 to read as follows:

339-A:9 Sales Prohibited. No person shall manufacture or offer for sale any [new] particle board or fiber board or housing unit or manufactured housing constructed of particle board, [or] fiber board, or any similar construction material containing urea-formaldehyde resin, without a written cautionary statement to the purchaser as set forth in RSA 339-A:10.

3 Display of Statement. Amend RSA 339-A:11 to read as follows:

339-A:11 Display of Statement.

1. A seller or manufacturer [may] shall incorporate the cautionary statement required by RSA 339-A:9 in a contract for sale with the purchaser. [In such case,] The cautionary statement shall appear in the contract immediately preceding the place in the contract for the purchaser's signature.

11. [If the seller or manufacturer does not incorporate the cautionary statement required by RSA 339-A:9 within a contract for sale,] If a contract for sale does not exist, statement shall be printed on a label containing no other written material and attached to the fiber board, particle board or other similar construction material, or housing unit or manufactured housing containing urea-formaldehyde resin.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 135-FN, relative to sunset review of the public utilities commission - administration and support. Ought to Pass with Amendment. Two changes were made on recommendations from the Sunset Committee and testimony from concerned legislators. First, making the Consumer Advocate independent from the Public Utilities Commission, except administratively, giving him more staff and delineating his duties to represent only residential customers. Second, changing the wording in method of assessment to make legal the method that has been in use in the past. Vote 18-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by replacing all after enacting clause with the following:

1 Sunset; Public Utilities Commission - Administration and Support Renewed. The public utilities commission - administration and support, PAU 021401 (formerly PAU 021501), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

2 Effect of Later Enactments. Passage of this act renewing the public utilities commission - administration and support shall not limit any subsequent legislative action affecting this agency or program. The general court shall retain its full power to make amendments to or to terminate the public utilities commission - administration and support, pursuant to RSA 17-G:9.

3 Office of the Consumer Advocate; Administratively Attached Agency. RSA 363:28 is repealed and reenacted to read as follows:

363:28 Office of the Consumer Advocate.

1. The office of the consumer advocate shall be an independent agency administratively attached to the public utilities commission pursuant to RSA 21-G:10. The office shall consist of the following:

(a) A consumer advocate, appointed by the attorney general, who shall be a full-time classified employee and a qualified attorney admitted to practice in this state.

(b) An assistant consumer advocate appointed by the attorney general, who shall be a full-time classified employee and a qualified attorney admitted to practice in this state.

(c) A secretary.

(d) Two additional staff people, who may be a rate analyst and an economist.

II. The consumer advocate shall have the power and duty to petition for, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, and consumer services before any board, commission, agency, court, or regulatory body in which the interests of residential utility consumers are involved and to represent the interests of such residential utility consumers.

III. The consumer advocate shall have authority to contract for outside consultants within the limits of funds available to the office.

4 Public Utilities Commission; Ascertainment of Expenses. Amend RSA 363-A:1 to read as follows:

363-A:1 Ascertainment of Expenses. The public utilities commission shall annually, after the close of the fiscal year, ascertain the total of its expenses during such year incurred in the performance of its duties relating to public utilities as defined in RSA 362:2 and relating to the office of the consumer advocate and the allowable expenses for the council on energy. In the determination of such expenses there shall be excluded the expenses which have been or may be charged and recovered under the provisions of RSA 365:37 and RSA 365:38.

5 Public Utilities Commission; Assessment of Expenses. Amend RSA 363-A:2 to read as follows:

363-A:2 Assessment. The expenses thus ascertained shall be assessed against the public utilities described in RSA 363-A:1 in the manner [herein] provided in this chapter. [The public utilities commission shall establish reasonable classifications of public utilities, and shall determine the share of its expense attributable to each such class. Each such share shall be assessed against the several public utilities comprising the class in such proportion as the public utilities commission shall determine to be fair and equitable.] The assessment shall be calculated by using the gross utility revenue of all utilities and allocating the expenses of the commission to each utility in direct proportion as the revenues relate to the total utility revenues as a whole. Each such expense allocation shall be assessed against each public utility in an amount equal to its proportionate share. A minimum fee shall be assessed to utilities having minimal revenues in such proportion as the public utility commission shall determine to be fair and equitable.

6 Funding for Office of the Consumer Advocate. Notwithstanding any other provision of law, commencing July 1, 1987, funding for the administrative expenses for the office of the consumer advocate shall be a charge against the utilities assessment fund under RSA 363-A:2 as administered by the public utilities commission.

7 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HBi 2005, relating to the reapportionment of electoral districts. Inexpedient to Legislate.

Although the Committee appreciates the good intentions of the sponsor, this House Bill of Intent clearly violates the "one man one vote" principle and would never be acceptable as a constitutional amendment. Vote 14-0. Rep. Charles F. Bass for Constitutional and Statutory Revision.

HB 13, to revive the charter of the Chocorua Chapel Association, a nonprofit organization. Ought to Pass.

The Committee feels that this organization serves a worthwhile purpose and should be renewed. Unfortunately, this cannot now be done by administrative action without leaving a lapse that could cause problems. Vote 18-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

HB 46, relative to the state radiation advisory committee. Ought to Pass.

This bill is a housekeeping measure that reinstates the provision of staggered terms for the Advisory Committee that was inadvertently left out of the previous legislation. Vote 18-0. Rep. Ann M. Torr for Executive Departments and Administration.

HB 121-FN, relative to sunset review of board of registration of podiatrists. Ought to Pass.

The testimony from the Sunset staff and other witnesses indicates that the Board of Registration of Podiatrists does an excellent and needed job in regulating the profession in New Hampshire. The Board fully deserves to be renewed. Rep. Scott E. Green for Executive Departments and Administration.

HB 42, relative to use of the crossbow by certain disabled persons. Inexpedient to Legislate.

The intent of this constituent bill is to allow a handicapped person to hunt with a crossbow because his handicap would not allow him to pull a standard bow. However, in public hearing it was indicated that the state of the art is such that this person could be taught to pull a standard bow with some adaptive equipment. Therefore, there is no need to change the current law. Vote 15-0. Rep. William P. Boucher for Fish and Game.

HB 208-FN, relative to the limit on trout taken by fly fishing in Clarksville Pond in the town of Clarksville. Ought to Pass.

Testimony on this bill was unanimously in favor of passing it and restoring the limit of fish to 5. This was a landowner's request. Vote 15-0. Rep. Charles H. Felch, Sr. for Fish and Game.

HB 99-FN, relative to district court sessions in towns within a district. Ought to Pass with Amendment.

The Committee voted unanimously (15-0) to give town meetings the right to require that sessions of a district court be held in their towns if they have no court in town, and also to require discontinuance of such sessions if the town meeting requests discontinuance. Rep. Francis E. Robinson for Judiciary.

#### Amendment

Amend RSA 502-A:2 as inserted by section 1 of the bill by replacing it with the following:

502-A:2 Sessions in Towns Within District. The purpose of the establishment of this system of district courts is to provide the minimum number of courts which will adequately serve the convenience of the public, both transient and permanent residents of this state. To accomplish this purpose, districts must serve certain towns within their district having regard for the parties, the seasonal influx of population in certain areas, and such other considerations as the expeditious and effective administration of justice may require. In addition to the regular sessions which are required to be held in various districts under the provisions of this chapter, the justice or special justice of each district shall hold sessions in such localities within their respective district and at such times as may best serve the convenience of the communities within their district. District courts are hereby directed to hold regular sessions in the towns as set forth in the following table[:], except that a district court shall not be required to hold regular sessions in a town if, upon written request by the town following the mandate of the local legislative body and written agreement between the court and the governing body of the town, it is determined that such sessions are no longer required for the effective administration of justice. Sessions once discontinued shall not be reinstituted except by agreement of both the court and the local legislative body. The following table sets forth the required regular sessions in towns:

#### District Courts

Exeter  
Auburn  
Rochester  
Laconia

Nashua  
Milford

#### Towns

Newmarket  
Northwood  
Farmington  
Meredith  
Alton  
Pelham  
Wilton

Keene	Hinsdale
	Walpole
Claremont	Charleston
Lebanon	Canaan
Littleton	Bethlehem
Plymouth	Bristol
Lancaster	Northumberland
	(Groveton)
Merrimack	Bedford

Unless discontinued in the manner provided for above, sessions of district courts shall be held not less than one day a week in each of the towns listed above. The district courts enumerated above shall commence holding sessions as provided herein when the municipal courts in said towns are abolished as provided in RSA 502-A:35. No provision of this section shall be construed to prevent any district court from holding sessions in other localities within the district where justice and the convenience of the parties may so require. However, if regular sessions of a district court are to be held in such localities, such sessions shall be authorized by the administrative committee.

This bill, as amended, allows the discontinuance of district court session in towns within the district, by agreement between the court and the governing body of a town following the mandate of the local legislative body. Such district court sessions shall not be reinstituted except by agreement of both the court and the local legislative body.

HB 181-FN, relative to involuntary emergency hospitalization. Inexpedient to Legislate.

Discussion recognized the concerns of those bringing bill, but could not see how the bill would or could, in fact, address those needs. Indeed, it was suggested, that the bill might actually make the involuntary commitment process more difficult. The present statute became effective 1/1/87, and its criteria seem flexible enough to incorporate any contingency. Vote 15-1. Rep. Elizabeth D. Lown for Judiciary.

HB 212, relative to unemployment compensation. Inexpedient to Legislate.

This RSA refers to educational institutions, while HB 212 speaks to private employers. If this bill should pass it would put the State out of conformity with the Federal Law. Vote 16-0. Rep. Maurice B. MacDonald for Labor, Industrial and Rehabilitative Services.

HB 241, relative to workers' compensation. Ought to Pass with Amendment.

This bill was requested by the Department of Labor. RSA 281:48-a requires payments to a special fund held by the Treasurer and controlled by the Labor Commissioner. The fund is used to compensate injured workers for second injuries. In 1986, 92 payments were late, 30 of which were more than 19 days late. This adds a burden to the Department and leaves the fund short of money. The bill provides a civil fine of \$100. for each day that payment is overdue as an encouragement for an on-time payment. It changes the reporting dates for payments. Another section of the bill adds to RSA 281:45 a reference to RSA 458-B which both under Federal and State law makes Workers' Compensation attachable for child support payments. The amendment is merely a rewording of the new sentence. Vote 16-0. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.



## Amendment

Amend RSA 281:45 as inserted by section 2 of the bill by replacing it with the following:

281:45 Assignments; Exemption From Claims of Creditors; Attorney's Fees. Claims for compensation under the provisions of this chapter shall not be assignable; and the compensation and claims therefor shall be exempt from all claims of creditors, except as herein provided. Claims for physicians, hospitals, and for other remedial care chargeable to the employee and rendered in connection with a compensated injury, and claims of attorneys for services rendered an employee in prosecuting a claim under the provisions of this chapter, when approved by said superior court, may be enforced against compensation awards in such manner as said superior court may direct. Claims for child support payments, pursuant to RSA 458-B, may be enforced against compensation awards.

HB 71, relative to the fiscal note process. Ought to Pass with Amendment.

The bill allows the Legislative Budget Assistant to prepare Fiscal Notes using other informational sources besides State agencies and political subdivisions. Vote 13-0. Rep. Ann J. Bourque for Legislative Administration.

## Amendment

Amend RSA 14:46, I, as inserted by section 1 of the bill, by replacing it with the following:

I. Fiscal impact notes shall be prepared by the legislative budget assistant with such assistance and data as he may require from any state agency, [or] political subdivision, or any other source of data which he deems reliable, including but not limited to private individuals, corporations, and associations located within or without the state. He shall identify in the fiscal note the source or sources of the data.

HB 180-FN, establishing a study committee to examine the publication and distribution of session laws. Ought to Pass with Amendment. Numerous copies of "Session Laws" for previous years, both hard and soft cover, remain on the shelves. The study envisioned by this bill could result in a more realistic estimate of copies needed, with a significant saving of printing costs, and reduction of storage space. Vote 13-0, Rep. Richardson D. Benton for Legislative Administration.

## Amendment

Amend the bill by replacing section 2 with the following:

2 Meetings and Report. The member from the legislative facilities committee shall chair the study committee. The committee shall hold its first meeting within 30 days of the effective date of this act. At its first meeting, in addition to other items of business, the committee shall elect a vice-chairman and a clerk from among its members. Their duties shall be determined by the committee. The committee shall report its findings, recommendations, and a draft of proposed legislation to the president of the senate and the speaker of the house of representatives before October 1, 1987.

HB 234-FN, establishing a petition process by which residents may change the location and time of legislative hearings. Inexpedient to Legislate.



The Committee felt the bill was unnecessary as there are rules presently in place in the Black Book which address additional hearings at other locations. Vote 12-1. Rep. Mary Ann Lewis for Legislative Administration.

HB 58, relative to membership on planning boards. Re-Refer to Committee.

This bill addresses the question of conflict of interest on local land use boards. Although the Committee feels that the bill is too narrow in scope, it also believes the question should be studied, and the sponsor agrees. Vote 19-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 30-FN-A, relative to uniform allowance for newly commissioned second lieutenants and warrant officers in the New Hampshire national guard and making an appropriation therefor. Ought to Pass.

The expense is considerable in changing from enlisted status to officer and warrant officer status, in additional uniform items required. A State allowance of \$100. is authorized by this bill to all newly-commissioned officers and warrant officers of the New Hampshire National Guard; this allowance, plus a federal allowance, plus enlisted clothing items to be carried over to officer status, helps to defray the cost of conversion to officer status. Vote 12-0. Rep. Alfred Ellyson for Public Protection and Veterans Affairs.

Referred to Appropriations.

HB 265-FN-A, relative to incarcerated veterans and making an appropriation therefor. Ought to Pass.

Testimony by the Warden of the New Hampshire State Prison and the prison Veterans' Affairs Officer was strong in that the program for incarcerated prisoners of all wars was beneficial, and resulted in better conduct by those participating in the programs. Each program to benefit veterans has been recommended by the "State Veterans Needs Committee," as established by Chapter 321, Laws of 1985. Vote 13-0. Rep. Alfred Ellyson for Public Protection and Veterans Affairs.

Referred to Appropriations.

HB 266, relative to the state veterans' needs committee. Ought to Pass.

This bill corrects an oversight of the 1985 Session; inadvertently, the State Veterans Needs Committee (Chapter 321, Laws of 1985) was denied a Vice-Chairman. This is now corrected, so that the Committee has an elected Chairman, Vice-Chairman and Clerk. Vote 13-0. Rep. Alfred Ellyson for Public Protection and Veterans Affairs.

HB 56-FN-A, relative to renovating a certain area of the state house and making an appropriation therefor. Inexpedient to Legislate.

The Committee felt that the bill needed more thought, especially in the area of the makeup of the Committee that would be established if the bill were passed. There also seems to be interest from a number of parties with regard to usage of this space, and some guidelines or more definitive proposals should be established before a study be done. Vote 18-0. Rep. Gene G. Chandler for Public Works.

HB 85-A, relative to constructing a bypass on route 111 from the town of Windham to the town of Salem and making an appropriation therefor. Re-Refer to Committee.

The Committee feels that until all new bills dealing with new construction are presented, it should not pass any legislation which might affect the integrity of the ten-year highway plan. A Subcommittee has been appointed to deal with some problem areas of HB 85 and the Committee can deal with this and other similar bills next session, and establish a priority list of projects, either fitting within the ten-year plan or creating an extension of same. Vote 18-0. Rep. Gene G. Chandler for Public Works.

HB 63, relative to certain water analysis records. Inexpedient to Legislate.

The Committee felt that this bill would create an unnecessary hindrance to both health protection and the application of available information to our State's data base. It also deemed it to be in conflict with the Right-to-Know Law. People can obtain a confidential report from private laboratories if they wish. Vote 15-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

HB 271-FN-A, relative to enhancing local economic development. Inexpedient to Legislate.

Testimony revealed that this legislation was somewhat confusing on methods of state funding and grants to cities and towns for local promotional advertising for economic development. Reps. Charles L. Vaughn, Wayne Spear, Jr., and Thomas M. Brady for Resources, Recreation and Development.

The Speaker called for the Special Order.

HB 72-FN-A, establishing the position of international trade specialist in the small business development center of the university system of New Hampshire at the college in Manchester. Inexpedient to Legislate.

The Committee agreed that this bill has merit, but it was decided that private industry is making excellent progress in this direction and should continue at this time, and not obligate the State to additional funding. Vote 11-3. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

#### COMMITTEE REPORTS (cont.) (Regular Calendar)

HB 189-FN, eliminating certain restrictions on bank branching. Ought to Pass with Amendment.

This bill removes restrictions on branching within New Hampshire. All the testimony was positive. The measure was desired both by the Bank Commissioner and by the banking industry. Vote 17-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by replacing all after the enacting clause and replacing with the following:

1 Elimination of Restrictions on Branch Banking. RSA 384-B:2, 1 is repealed and reenacted to read as follows:

I. With the approval of the board, any bank with its principal office in this state may establish and operate one or more branch offices in any town within the state. Notwithstanding anything else in this

paragraph to the contrary, the board shall not grant any application for a branch office if the dollar volume of the total deposits, time, savings and demand, of the applicant bank is greater than 15 percent of the dollar volume of the total deposits, time, savings and demand, of all banks, national banks and federal savings and loan associations in this state as determined by the board on the basis of the most recent reports made by such institutions to their supervisory authorities available at the time of filing the application; nor if the applicant bank is an affiliate of a bank holding company which with all its affiliates then holds a dollar volume of total deposits, time, savings and demand, greater than 15 percent of the dollar volume of total deposits, time, savings and demand, of all banks, national banks and federal savings and loan associations, in this state as determined by the board on the basis of the most recent reports made by such institutions to their supervisory authorities available at the time of filing of the application.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

CACR 4, relating to the amount in controversy required for a jury trial. Providing that the amount be determined by statute. Ought to Pass with Amendment.

The Committee felt that the Constitution should not be changed to allow the Legislature to set the threshold amount, but that the \$500. figure should be raised to \$1,500. Vote 15-0. Rep. George E. Gordon, III for Constitutional and Statutory Revision.

Rep. Flanagan yielded to questions and moved that CACR 4 be recommitted to the Committee on Constitutional and Statutory Revision and spoke to her motion.

Adopted.

CACR 6, relating to a unicameral legislature. Providing that the legislature be a unicameral body called "the House of Delegates." Inexpedient to Legislate.

As only one other state has a unicameral legislature, the Committee voted in favor of the New Hampshire form of government, and thanks Representative Robinson for his work. Vote 16-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Report adopted.

CACR 8, relating to acts and resolves of the general court. Providing that no act or resolve shall embrace more than a single subject matter or address any activities not directly associated with or related to that single subject matter. Inexpedient to Legislate.

It is the Committee's belief that an amendment to the State Constitution is not an appropriate vehicle to deal with the subject matter of CACR 8. It more properly belongs under the consideration of House and Senate Rules. Vote 15-2. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

Report adopted.

CACR 9, relating to limiting sweepstakes funds to educational purposes. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. Re-Refer to Committee.

The Committee recognizes the importance of conforming with the statutory requirement that all sweepstakes profits be dedicated to educational purposes; however, no actual evidence was presented to indicate that a problem exists. Furthermore, there appears to be legislation under consideration (HB 325) which could correct any potential problems through statutory changes. Vote 16-1. Rep. Charles F. Bass for Constitutional and Statutory Revision.

Report adopted.

HB 221, to revive the charter of the Pequawket Foundation, a nonprofit organization. Ought to Pass with Amendment.

This bill, as amended, revives the charter of the Pequawket Foundation effective upon passage. Vote 12-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

#### Amendment

Amend the bill be replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 54, prohibiting interference with hunters, trappers and fishermen. Ought to Pass with Amendment.

The sportsmen of this State feel there is a great need for this bill, and have requested it. There is a great need for the protection of our sportsmen while legally in the field. Vote 15-0. Rep. Charles H. Felch, Sr. for Fish and Game.

#### Amendment

Amend RSA 207:56 as inserted by section 1 of the bill by replacing it with the following:

207:56 Interference Prohibited. No person shall purposely interfere with the lawful taking of wildlife by another, and no person shall purposely disturb, harry, worry, drive or interfere with wildlife for the purpose of interfering with the lawful taking of wildlife by another. The provisions of this section shall not be construed to prohibit any interference arising from lawful activity by land owners or land users, including farmers and recreationists.

Amend RSA 207:57, II as inserted by section 1 of the bill by replacing it with the following:

11. The superior court may award damages and reasonable attorneys' fees to any person adversely affected by a violation of RSA 207:56. In addition to other items of special damage, measure of damages may include expenditures of the affected person for license and permit fees, travel, guides, special equipment and supplies to the extent that such expenditures were rendered futile by interference with the taking of wildlife.

Rep. Felch yielded to questions.

Amendment adopted.

Reps. William Riley and Theriault spoke against the report.

Rep. Gerald Smith spoke in favor of the report and yielded to questions.

Rep. William Boucher spoke in favor of the report.  
A roll call was requested. Sufficiently seconded.

YEAS 230 NAYS 119  
YEAS 230

BELKNAP: Bolduc, Golden, Hardy, Malcolm Harrington, Hawkins, Jensen, Locke, Pearson, Randall, Lawrence Richardson, Thurston and Turner.

CARROLL: Allard, Gene Chandler, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire and Saunders.

CHESHIRE: Blacketor, Corrigan, Jesse Davis, Delano, Frink, Irvin Gordon, Grodin, Morse, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Horton, Kilbride, Marsh, Oleson and Purrington.

GRAFTON: Christy, Copenhaver, Crystal, Dearborn, Driscoll, Hammond, LaMott, Lougee, McAvoy, Rounds, Stewart, Howard Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Barbara Arnold, Baker, Baldizar, Bourque, Bowers, Burkush, Champagne, Chretien, Cid, Cox, Daigle, Ann Derosier, William Desrosiers, Domaingue, Donovan, Drolet, Dube, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Gelinas, Genest, Granger, Grip, Guilbert, Hatch, Healy, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Korcoulis, Kurk, Leclerc, Lefebvre, Levesque, Long, Mason, Moore, Morrisette, Robert Murphy, Paquette, Perham, Prestipino, Ellen-Ann Robinson, Sallada, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Tarpley, Turgeon, Ware, Emma Wheeler, Kenneth Wheeler and Zajdel.

MERRIMACK: Asplund, Austin, Beaton, Fillion, Fraser, Gilbreth, Hager, Mary Holmes, C. William Johnson, Burton Knight, Lewis, Lockwood, Merton Mann, Manus, Millard, Nichols, Phelps, Walter Robinson, Gerald Smith, Stio, Tupper, West and Whittemore.

ROCKINGHAM: Carl Anderson, Barnes, Blaisdell, William Boucher, Butler, Eunice Campbell, Lawrence A. Chase, Jr., Cressy, Drake, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Gosselin, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hynes, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, McKinney, Palumbo, Pantelakos, Parr, Ritzo, Schmidtchen, Seward, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Walker, Welch, Wells, Woodward and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Kincaid, Kinney, Koromilas, Lachance, Laurion, Lussier, Martling, Parks, Pelley, Proulx, Swope, Ann Torr, Wall and John Young.

SULLIVAN: Brodeur, Cutting, Flint, Krueger, Lindblade, McKee, Normandin, Peyron, Rodeschin, Schotanus and Spaulding.

NAYS 119

BELKNAP: Bowler, Brown, Richard Campbell, Dexter, Holbrook, Maviglio and Wixson.

CARROLL: Powers.



CHESHIRE: Arnott, Clark, Cole, Daschbach, Daniel Eaton, Foster, Hunt, LaMar, Matson, Ramsay, William Riley and Schwartz.

COOS: Coulombe, Guay, Lemire, Mayhew, Nelson and Theriault.

GRAFTON: Adams, Bennett, Blair, Chambers, Densmore, Michael King and Wayne King.

HILLSBOROUGH: Bass, Beaupre, Buckley, A. Leslie Burns, Cote, Cowenhoven, Cusson, Gerard Desrochers, William Dion, Paul Dionne, Dupont, Ruth Gage, Scott Green, Betty Hall, Marian Harrington, Holden, Donna Kelly, Lown, Lozeau, McRae, Messier, Mulligan, Nixon, O'Rourke, Packard, Pappas, Pariseau, Pignatelli, Price, Reardon, Reidy, Herbert Richardson, Rodgers, Routhier, Sullivan, Vanderlosk, Winn and Zis.

MERRIMACK: Eleanor Anderson, Bardsley, Laurent Boucher, James Chandler, Gross, Douglas Hall, Hess, Alf Jacobson, Kidder, Pantzer, Philbrick, Provencal, Rehlander, Wallner and Yeaton.

ROCKINGHAM: Benton, Blanchette, Marilyn Campbell, Carpenito, Conroy, Cooke, Cushing, Ellyson, Thomas Gage, Hollingworth, Robert Johnson, McGovern, Newell, Pevear, Popov, Read, Rosencrantz, Sanderson, Sherburne, Simon, Vaughn, Warburton and Weddle.

STRAFFORD: Frew, Sandra Keans, William McCann, Francis Robinson, Spear, Ralph Torr and Wilson.

SULLIVAN: Behrens, Ingram and Sara Townsend, and the report was adopted. Ordered to third reading.

HB 270-FN-A, establishing a tribute to deceased legislators and making an appropriation therefor. Inexpedient to Legislate.

The memorializing of the names of deceased legislators is a complex matter and can easily lead to hard feelings. The present memorializing procedure, in effect for a number of years, is to memorialize a deceased legislator, either retired or serving, through the means of a resolution, read to and unanimously accepted by the body, with a copy of the resolution sent to the family of the deceased legislator.

The intent of this bill is to affix small metal name plates onto a wall plaque, at some location in the Legislative Office Building. This procedure after a number of years, requires many plaques to accommodate the ever-increasing number of name plates for deceased legislators.

A major difficulty of the "metal name plate method" is the problem of establishing, and maintaining, a cut-off date, such as 1980 in the bill, before which time the names of deceased legislators would not be memorialized. This arbitrary cut-off will lead to animosity, and pressure on the Legislative Facilities Committee from the families of deceased legislators, who may have been presiding officers of the Senate or House, or who chaired committees, or were sponsors of landmark legislation, and who deceased prior to the established cut-off date.

Considering all of the foregoing, the Committee is strongly in favor of continuing the present method of memorializing the names of deceased legislators. Vote 10-3. Rep. Richardson D. Benton for Legislative Administration.

Resolution adopted.



HB 50-A, relative to replacing the Hampton beach seawall and making an appropriation therefor. Ought to Pass.

The Committee's unanimous support was demonstrated on February 12 when it concurred with the suspension of rules and passage of an amended Senate Bill 11, an identical bill appropriating funds for the seawall. The Committee will move to table House Bill 50. Funding in both bills was 50 percent highway funds and 50 percent from the Hampton Parking Meter Account. Excess revenues in the latter account are projected to be sufficient to carry the Hampton State Park operating expenses and bond payments on the seawall and new bathhouse. Vote 18-0. Rep. James A. Chandler for Public Works.

Rep. James Chandler spoke to the report.

Rep. Pearson moved that HB 50 be laid upon the table.

Adopted.

HB 83-A, relative to the Cornish-Windsor bridge and making an appropriation therefor. Ought to Pass with Amendment.

This bill was considered by Public Works Committee and was amended to the effect competitive bidding may be waived, but any bidder must demonstrate expertise in authentic restoration of covered bridges. Vote 15-3. Rep. Fredrik Peyron for Public Works.

#### Amendment

Amend 1986, 203:15, I and II of section 1 of the bill by replacing them with the following:

I. Competitive bidding may be waived, but any bidding on this unique project shall be limited to contractors with demonstrated expertise in authentic restoration or rehabilitation of covered bridges. The department of transportation is authorized to reject any bids that in their opinion do not meet the requirements of this paragraph.

II. The restoration shall be overseen by the special committee on the Cornish-Windsor bridge of the New Hampshire executive council, but the department of transportation shall have overall authority for the reconstruction project.

Rep. Schotanus spoke in favor of the report and yielded to questions.

Thank you, Mr. Speaker. I would like to rise in support of the pending motion to send this bill, as amended, to third reading and I would like to take this opportunity to explain to you and to the members of this House the historical significance of this bill. HB 83 is the seventh act in the two hundred and three year history of the Cornish-Windsor Bridge that this House, if the motion passes, will have passed in its history. As we know, it is the longest remaining two-span covered bridge in the United States, it is a historic treasure in the State of New Hampshire, it is on the National Register of Historic Places, it is an engineering landmark of some significance. And it is literally the child of this Legislature. And therein lies the significance of HB 83.

Let me try to put that in a bit more perspective. The first act of this House, on this bridge, took place in 1784. Some five years before the gentleman who's portrait hangs behind you, Mr. Speaker, who became the President of our great nation. In 1795 this Legislature acted again to establish one of the longest-lived privately-held utilities in the history of the United States, the proprietors of the Cornish-Windsor Bridge. It also authorized the first bridge of four bridges to be built. In subsequent acts it helped the proprietors of the Cornish-Windsor Bridge to regulate tolls on the bridge. And in 1935, some hundred and forty years

later, we, and I say this, we as the State of New Hampshire, we bought the bridge. We paid \$20,000 for it and Vermont threw in a couple of thousand dollars, I guess to get a piece of the action. We maintained the bridge as a toll bridge for seven additional years until 1943, until we had recouped the purchase price through tolls on that bridge. Again in 1943, this House acted and freed up the bridge. Since that time, the Cornish-Windsor Bridge has been treated by the State of New Hampshire which might best be described as benign neglect. Today, when you drive across the Cornish-Windsor Bridge, you will drive across the fourth rendition of that bridge, the bridge that you drive across today was built in 1866 by a gentleman by the name of Tasker from Claremont, New Hampshire. In those days fortunately, common sense seemed to prevail and bureaucratic and inertia and regulations were a rare commodity. He was told to rebuild the bridge, and six months later he put it into service. And that bridge has stood for one hundred and twenty years and is still in service, but in a deteriorated condition. And as a footnote, Mr. Speaker, I might say with the winter we are having we might lose it come ice-out this March. Hopefully, that is not so.

Today, that bridge still carries traffic between Cornish, New Hampshire and Windsor, Vermont. It carries on the average of five hundred vehicles a day, and until May of last year when the Department of Transportation, after having spent \$95,000 needlessly to conclude that the bridge was in a deteriorated condition, lowered the weight limit on the safety weight limit on the bridge to three tons which automatically cut out the neutral aid pact in fire and emergency between Cornish, New Hampshire and Windsor. Because fire vehicles, heavy vehicles, heavy emergency vehicles, can no longer go across it. It is now a three-ton bridge.

So that is the situation today. Now, over the last thirty-five years, there has emerged among us a craftsman on covered bridges without peers. His name is Milton Graton from Ashland, New Hampshire. He has proposed, and has proposed in the last three or four years, a plan to restore that bridge to its historical majesty, and to increase the safety limit of that bridge to fifteen tons which would accommodate all of the heavy-weight emergency vehicles and traffic that you might expect in a growing State. Unfortunately, Graton Associates of Ashland, New Hampshire have a couple of things going for them, or going against them, whichever happens to be your perspective, Mr. Speaker. They have a lot of common sense, but they are short in patience, short in patience with government regulation and bureaucratic inertia. The thing that seems to hold heavy in our modern high-tech society. As far as integrity is concerned and level of craftsmanship is concerned, I think that my friends and colleagues, Rep. Bill Driscoll from Plymouth, Rep. Blair Richardson from Holderness and many, many others in this House will agree with me that again they have no peer. As a matter of fact, Milton Graton has been held in such high esteem among the citizenry of this State that in 1970, Governor Walter Peterson, in his wisdom saw fit to declare a "Milton Graton Day." I'm sure some of the veteran members a bit older than I, who were around, remember that day.

The issue of the restoration of the Cornish-Windsor Bridge has been an issue for about six years, since 1981. My good friend and highly respected colleague from Plainfield, Rep. Sara Townsend, has struggled with this issue, and has struggled very hard with this issue. We've had some success working together. We had some success last year thanks to the Public Works Committee and other good colleagues who also are concerned with this bridge. HB 509, last session, included an appropriation of \$850,000, and it waived competitive bidding. The intent of the Legislature there, was to have this bridge historically, authentically restored, and/or rehabilitated, which meant that there was only one person that had the craftsmanship that was capable of doing it.

Unfortunately, the intent of the Legislature, last year, has not yet been heard. So the bridge remains a three-ton limit bridge and very little or no action having been taken on it.

We come now to the seventh act of this Legislature. The seventh act is intent in spelling out in black and white terms, the intent of the House vis-a-vis the historic treasure. It does, as the Governor said when I talked with him, four things, his fingers are longer than mine, but I still use them to count. He said, I want the bridge restored. I want the bridge safe. I want the best possible craftsman put on the bridge, and I want it done as soon as possible. That's exactly what HB 83 does. In addition to that, which you do not see in the amendment, Mr. Speaker, is that the original bill, as originally amended, appropriates an additional \$600,000 to the non-lapsing fund which makes the one-time cost for the repair of that bridge, if it is done correctly, at 1.4 million dollars, and I hope, Mr. Speaker, that this is a one-time thing because, if it is a one-time thing, then you and I and the rest of the members in this House will be history the next time the House has to meet.

Now, the problem is this, we have the intent clear, we have to give the message to the Executive Department agencies who are responsible for carrying out the mandate of the Legislature. I would hope that the members of this House, Mr. Speaker, would vote a resounding yes on this report and become part of the history of the Cornish-Windsor Bridge.

Rep. Hoar moved that Rep. Schotanus' remarks be printed in the Journal.

Adopted.

Rep. Matson spoke in favor of the report.

Rep. Schotanus requested a roll call. Sufficiently seconded.

YEAS 350 NAYS 1

YEAS 350

BELKNAP: Bolduc, Bowler, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Locke, Maviglio, Pearson, Randall, Lawrence Richardson, Thurston, Turner and Wixson.

CARROLL: Allard, Gene Chandler, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Arnott, Blacketoi, Clark, Cole, Corrigan, Daschbach, Jesse Davis, Delano, Doucette, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Morse, Parker, Perry, Pierce, Ramsay, William Riley, Sawyer, Schwartz and David Young.

COOS: Brady, Brungot, Harold Burns, Coulombe, Frederic Foss, Guay, Horton, Kilbride, Lemire, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bennett, Blair, Chambers, Christy, Copenhaver, Crystal, Dearborn, Densmore, Driscoll, Hammond, Wayne King, LaMott, Lougee, McAvoy, Rounds, Stewart, Howard Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Barbara Arnold, Baker, Baldizar, Bass, Beaupre, Bourque, Bowers, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Cowenhoven, Cox, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Paul Dionne, Domainque, Donovan, Drolet, Dube, Dupont, Durant, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gelinis, Genest, Granger, Scott Green, Grip, Guibert, Betty Hall, Marian Harrington, Healy, Holden, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice

Knight, Korcoulis, Kurk, Leclerc, Lefebvre, Levesque, Long, Lown, Lozeau, Mason, McRae, Messier, Moore, Mulligan, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Paquette, Pariseau, Perham, Pignatelli, Prestipino, Price, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Sullivan, Tarpley, Turgeon, Vanderlosk, Ware, Emma Wheeler, Kenneth Wheeler, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Laurent Boucher, James Chandler, Fillion, Fraser, Gilbreth, Hager, Douglas Hall, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Merton Mann, Manus, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Walter Robinson, Gerald Smith, Stio, Trombly, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blaisdell, Blanchard, Blanchette, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Lawrence A. Chase, Jr., Conroy, Cooke, Cressy, Cushing, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, McGovern, McKinney, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vaughn, Walker, Warburton, Weddle, Welch, Wells, Woodward and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Patricia Foss, Frechette, Frew, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Laurion, Lussier, Martling, William McCann, Parks, Pelley, Proulx, Francis Robinson, Spear, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Ingram, Krueger, Lindblade, McKee, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 1

BELKNAP: None.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: None.

HILLSBOROUGH: Morrisette.

MERRIMACK: None.

ROCKINGHAM: None.

STRAFFORD: None.

SULLIVAN: None, and the report was adopted.  
Referred to Appropriations.

HB 291, relative to cosmetology. Ought to Pass.

The bill allows licensed cosmetologists to engage in cosmetology upon an invalid, handicapped person or a person confined to their home because of age or ill health. The Committee felt that it was a needed service and that the consumer was well protected. Vote 15-0. Rep. David L. Gelinas for Commerce, Small Business and Consumer Affairs.

Rep. Dykstra moved that HB 291 be recommitted to the Committee on Commerce, Small Business and Consumer Affairs, and spoke to her motion. Rep. Fraser spoke in favor of the motion. Adopted.

HB 222-FN, permitting the city of Claremont to hold its city election on the same day the state general election is held. Inexpedient to Legislate.

There is a need to look at the whole problem, and not deal with one city at a time which might set a dangerous precedent. Vote 13-0. Rep. Betty B. Hall for Constitutional and Statutory Revision.

Rep. Betty Hall yielded to questions.  
Resolution adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 24 at 1:00 p.m.

Adopted.

#### LATE SESSION

#### Third reading and final passage

HB 67, relative to urea-formaldehyde.

HB 13, to revive the charter of the Chocorua Chapel Association, a nonprofit organization.

HB 46, relative to the state radiation advisory committee.

HB 121-FN, relative to sunset review of board of registration of podiatrists.

HB 208-FN, relative to the limit on trout taken by fly fishing in Clarksville Pond in the town of Clarksville.

HB 99-FN, relative to district court sessions in towns within a district.

HB 241, relative to workers' compensation.

HB 71, relative to the fiscal note process.

HB 180-FN, establishing a study committee to examine the publication and distribution of session laws.

HB 266, relative to the state veterans' needs committee.

HB 189-FN, eliminating certain restrictions on bank branching.

HB 221, to revive the charter of the Pequawket Foundation, a nonprofit organization.

HB 54, prohibiting interference with hunters, trappers and fishermen.

#### UNANIMOUS CONSENT

Rep. Frew addressed the House by Unanimous Consent.



Rep. Scamman, for the entire House, offered the following:

HOUSE RESOLUTION NO. 21

memorializing former Representative Aime H. Paradis of Goffstown.

WHEREAS, we have learned with great sorrow of the death of former Representative Aime H. Paradis of Goffstown, who between 1975 and 1986 served six consecutive terms as an esteemed member of the New Hampshire House of Representatives, and

WHEREAS, as an elected public servant, Aime H. Paradis devotedly served his constituents in Hillsborough County as a member of the Standing Committees on Municipal and County Government; Public Protection and Veterans Affairs; and Regulated Revenues, and

WHEREAS, having been born in Manchester, Aime H. Paradis settled in Goffstown and served the community with distinction, sitting as a member of the Town's Budget Committee, and

WHEREAS, during World War II, Aime H. Paradis was a member of the United States Army, serving his country from 1943 until 1945, and

WHEREAS, Aime H. Paradis was a loyal and faithful member of the American Legion, belonging to the Jutras Post in Manchester, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Aime H. Paradis be given praise and publicly lauded for his distinguished and faithful service to his Town, his State and his Country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Scamman, for the entire House, offered the following:

HOUSE RESOLUTION NO. 22

memorializing Representative Merino Romoli, Jr., of Greenland.

WHEREAS, we have learned with great sorrow of the death of Representative Merino Romoli, Jr., affectionately known to all as "Ted," who was serving his fourth consecutive term as an honorable member of the New Hampshire House of Representatives, and

WHEREAS, during his tenure as a servant of the people of Rockingham County, Ted Romoli demonstrated dependability, devotion and diligence as a member of the Standing Committee on Labor, Industrial and Rehabilitative Services, and

WHEREAS, having been born in Pawtucket, Rhode Island, Ted Romoli chose to make New Hampshire his home, becoming a civic-minded citizen of the Town of Greenland where he served as Auditor, as a member of the Budget Committee and as a Volunteer Fireman, and

WHEREAS, having graduated from Hubbard Business School, Ted Romoli, after settling in Greenland, established himself as a respected and successful real estate broker, serving as President of the Seacoast Board of Realtors, and

WHEREAS, between the years of 1951 and 1974, Ted Romoli served twenty-three years in the United States Air Force, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Merino Romoli, Jr., be recognized and saluted for his outstanding service as a State Representative and for his service to his community, and be it further



RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Palumbo moved that the House stand in recess.

Adopted.

The House recessed at 2:29 p.m.

RECESS

{Speaker in the Chair}

Rep. Palumbo moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 8

*Tuesday, 24Feb87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rev. Kathryn Betournay, Associate Minister of the First Congregational Church in Concord.

O Gracious God, Creator of Life, of this world, and of all humankind whom You so dearly love, we ask Your blessing this day upon the work in this House of Representatives, as they wrestle with the complex issues which affect the lives of Your people in New Hampshire. May You open ears that they may hear, and hearts that they may comprehend and come to terms with difficult decisions which will affect the lives of others who live in this State which we share and which we call home. May the thoughts and communications and decisions which are made in this session reflect the principles of liberty and justice and human rights of all our citizens, according to Your will for human life. Guard our ways and enlighten our thoughts, we pray. Amen.

Rep. Cooke led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Manus, Schwaner, Boisvert, Kenneth MacDonald, George Gordon, Albert Dionne, Rounds and McGovern, the day, illness.

Reps. Pignatelli, Frechette, James Chandler, Pantelakos, Tarpley, William Dion, Wixson, Rosencrantz, Flint, Marilyn Campbell, Gerard Desrosiers, Lockwood, Champagne, Blanchard, Gordon Arnold, Wagner, Cahill, Gagnon, Lionel Boucher, Holden, West, Zis and Stonner, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

## INTRODUCTION OF GUESTS

Christopher and Christina Yeaton, guests of Rep. Shriver; Rita Richardson, Douglas, Nicole and Kathleen Richardson, wife and children of Rep. Richardson; Paul Gagne, guest of Rep. Genest; Susan Desrosiers and Rebecca Pecor, wife and daughter of Rep. William Desrosiers.

## VACATE

Rep. Dickinson moved that the House vacate the reference of HB 538-FN, relative to required parks on plats and creating nonlapsing accounts for acquisition and development of property for recreational purposes, to the Committee on Resources, Recreation and Development.

Adopted.

The Speaker referred HB 538 to the Committee on Municipal and County Government.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 100-A and 200-A, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS  
First, second reading and referral

HB 100-A, making appropriations for capital improvements. (Pearson of Belknap Dist. 5 - To Public Works)

HB 200-A, making appropriations for capital improvements. (Pearson of Belknap Dist. 5 - To Public Works)

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the rules be so far suspended as to permit consideration at the present time of HCR 9, inviting Chief Justice Brock to address a Joint Convention on the state of the Judiciary, without referral to committee, printing, public hearing, committee report and notice in the Calendar.

Adopted by the necessary two-thirds.

Reps. Palumbo and Chambers moved that HCR 9, inviting Chief Justice Brock to address a Joint Convention on the state of the Judiciary, be adopted.

The Clerk read the resolution.

Ordered to third reading.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 66-FN, reinstating the corporate charter of Camp Tecumseh, was removed at the request of Rep. Whittemore.

HB 298-FN, relative to the land use change tax, was removed at the request of Rep. Cole.

HB 211, relative to warrants for bond issues by towns, was removed at the request of Rep. Alf Jacobson.

HB 341-FN, relative to educational activities by the liquor commission and making an appropriation therefor, was removed at the request of Rep. Lefebvre.

Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

HB 230, establishing a hotline for missing children. Ought to Pass. This bill establishes a statewide, toll-free hotline in the Division of State Police for reporting information on missing children. This hotline will serve as a connection between the local level and the national level. Vote 18-0. Rep. Debora B. Pignatelli for Children, Youth and Elderly Affairs.

HB 236, relative to durable powers of attorney. Ought to Pass with Amendment.

This bill, as amended, places limitations on persons acting as agents under durable powers of attorney. This bill allows the principal, his relatives, his beneficiaries, health care providers, or the Office of

Ombudsman to petition the Superior Court or the Probate Court for redress, when it appears that an agent is not acting in the best interests of the principal. Any hearings held by the courts on agents acting under durable power of attorney shall be closed to the public and evidence presented during such hearings shall be confidential. Finding will be public. Vote 18-0. Rep. Ann J. Bourque for Children, Youth and Elderly Affairs.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Durable Powers of Attorney; Limitations on the Agent. Amend RSA 506 by inserting after section 6 the following new section:

506:7 Powers of Attorney; Limitations on the Agent.

I. A petition may be filed in the superior court or the probate court for any of the purposes listed in paragraph III of this section by any of the following persons:

- (a) The agent;
- (b) The principal;
- (c) The spouse, child, or parent of the principal;
- (d) Any person who would take property of the principal under the laws of intestate succession if the principal died at the time the petition is filed, whether or not the principal has a will;
- (e) Any person named in the principal's will;
- (f) A treating health care provider;
- (g) The office of the ombudsman under RSA 126-A:11-a.

II. If there is no person specified in paragraph I(a)-(g) who is able or willing to file a petition for the purposes listed in paragraph III, the court may entertain a petition from any other interested party who demonstrates to the satisfaction of the court the following:

- (a) Sufficient prior contact with and knowledge of the principal to demonstrate interest in the welfare of the principal; and
- (b) The lack of capacity of the principal to bring such a petition.

III. A petition may be filed for any of the following purposes:

- (a) To determine whether a power of attorney is in effect or has been terminated.
- (b) To determine the legality of acts, proposed acts, or omissions of the agent.
- (c) To compel the agent to submit an accounting or to report his acts as agent to any of the persons designated in paragraph I (a)-(g), if such person has made a written request of the agent for an accounting or a report and the agent has not complied with the request within 60 days after the request was made. The 60 day period shall be shortened to 7 days, if the decision at issue relates to a decision affecting health care. The time limit in this subparagraph may be shortened by court order for good cause.
- (d) To declare that the power of attorney shall be terminated upon determination by the court that:

- (1) The agent has violated or is unfit to perform his fiduciary duties under the power of attorney; and
- (2) At the time of the determination by the court, the principal lacks the capacity to give or to revoke a power of attorney; and
- (3) The termination of the power of attorney is in the best interest of the principal or of the principal's estate.

IV. The court may hold hearings, make orders and decrees, and take other actions necessary or proper to make determinations on matters presented by a petition filed under paragraph III.

V. In a proceeding under this section commenced by the filing of a petition by a person other than the agent, the court may order the agent to pay reasonable attorney's fees to the petitioner if the court determines that the agent has clearly violated his fiduciary duties under the power of attorney or has failed without any reasonable cause or justification to submit accounts or reports after written request.

VI. Unless good cause is shown, court hearings conducted on a petition filed under this section shall be closed to the general public. Only the parties, their counsel, witness, and representatives of agencies who are present to perform their official duties shall be admitted. The records, reports, and evidence presented to the court shall be confidential. The final decision of the court shall be a public record.

2 Severability. If any provision of this act is held invalid, the invalidity does not affect other provisions or applications of this act without the invalid provisions or applications of this act without the invalid provisions or application, and to this end the provisions of this act are severable.

3 Effective Date. This act shall take effect January 1, 1988.

This bill, as amended, places limitations on persons acting as agents under durable powers of attorney. This bill allows the principal, his relatives, his beneficiaries, health care providers, or the office of the ombudsman to petition the superior court or the probate court for redress, when it appears that an agent is not acting in the best interests of the principal. Any hearings held by the courts on agents acting under durable power of attorney shall be closed to the public and evidence presented during such hearings shall be confidential.

HBI 2011, providing an incentive for employers to operate day care facilities. Ought to Pass.

Recognizing the growing number of problems created by a lack of day care facilities, the Committee unanimously agreed that the study, begun under HBI 2008 in the 1986 Legislative Session, to determine possible incentives for employers to offer day care facilities be continued. Vote 18-0. Rep. Robert A. Lockwood for Children, Youth and Elderly Affairs.

HB 218-FN, requiring kindergarten education in all school districts. Inexpedient to Legislate.

The sponsor agrees that this bill should be inexpedient in favor of House Bill 287. Vote 18-0. Rep. Edmund M. Keefe for Education.

HB 110-FN, relative to sunset review of the New Hampshire retirement system. Ought to Pass.

That the New Hampshire Retirement System should be renewed is unquestioned. The Sunset staff report raised a number of concerns, but the Committee feels that these can better be addressed through other legislation or through administrative action. Vote 17-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

HB 118-FN, relative to sunset review of board of optometry. Ought to Pass.

The Committee feels this bill should be continued as is. Additional needs by the Board should be corrected by other legislation. Vote 17-0. Rep. James R. Rosencrantz for Executive Departments and Administration.

HB 119-FN, relative to sunset review of pharmacy commission. Ought to Pass.

The Committee felt that the Pharmacy Commission should be continued as it is currently operating. Vote 17-0. Rep. Wayne D. King for Executive Departments and Administration.

HB 127-FN, relative to sunset review of the board of veterinary examiners. Ought to Pass with Amendment.

The amendment utilizes the language adopted for the Board of Medicine as it relates to the issues of confidentiality in the appeals' process. The Committee was unanimous in its agreement. Vote 17-0. Rep. Wayne D. King for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to sunset review of the board of veterinary examiners and relative to preliminary hearings.

Amend the bill by replacing all after section 2 with the following:

3 Preliminary Hearings Confidential. RSA 332-B:14, IV is repealed and reenacted to read as follows:

IV. The board may informally dispose of any complaint by stipulation, agreed settlement, consent order or default. The board may hold preliminary hearings to facilitate the informal disposition of complaints which, during the preliminary hearing, are found to be unwarranted or unjustified. The board shall follow the provisions of RSA 541-A:16, V in conducting such hearings. All such investigations and preliminary hearings shall be confidential and exempt from the provisions of RSA 91-A, provided that the board shall make public any action taken under RSA 332-B:14, III resulting from a preliminary hearing or investigation.

4 Effective Date. This act shall take effect upon its passage.

This bill renews the board of veterinary examiners for 6 years.

The bill, as amended, authorizes the board to conduct preliminary hearings in accordance with RSA 541-A:16, V; provided, that such preliminary hearings are to be confidential.

HB 166-FN, relative to sunset review of department of health and human services - division of public health services - electrologists. Ought to Pass.

Licensing of electrologists is a function of the Office of the Division of Public Health. There is a public need for this bill, as it protects the public health. It is recommended that this regulatory function be reviewed with the remainder of the Division of Public Health Services July 1, 1993. Vote 17-0. Rep. Bartolo Prestipino for Executive Departments and Administration.

HB 176-FN, relative to sunset review of state board of auctioneers. Ought to Pass.

This bill had testimony showing there were no problems with the Board of Auctioneers and should be continued. Vote 17-0. Rep. James R. Rosencrantz for Executive Departments and Administration.

HB 243-FN, allowing state fringe benefits for veterinarians appointed by the pari-mutuel commission. Inexpedient to Legislate.

This bill would give veterinarians at the race tracks State fringe benefits. At this time, the veterinarians at the track are paid \$125. per performance which is set by the Governor and Council. The problem under this bill will be covered, and taken care of by the Pari-Mutuel Commission without a change in the RSA. Vote 17-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.



HB 22, relative to methods of hunting and possession of deer and moose and illegal night hunting. Ought to Pass with Amendment.

This is a housekeeping bill for the Fish and Game Department. The bill more clearly defines the legal possession of deer and moose meat and more clearly establishes what is illegal night hunting. Vote 15-0. Rep. David M. Scanlan for Fish and Game.

#### Amendment

Amend RSA 208:8, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The knowledge or belief required for paragraphs I and II is presumed in the case of a person who:

(a) Uses or is found in the possession of a rifle, revolver, or pistol larger than .22 caliber long rifle; or

(b) Uses or is found in the possession of shotgun shells carrying shot larger than number 4; or

(c) Uses or is found in the possession of a light other than a kerosene type lantern or pressure type lantern or a flashlight with more than 7 cells.

Amend RSA 208:21, II as inserted by section 4 of the bill by replacing it with the following:

II. RSA 208:3, 3-a, 3-b, 3-c, 4, 5, 5-a, 6-a, 7, III, 10, and [12-17] 12-16 inclusive, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

HB 38, relative to the method of taking deer in the town of Madbury. Ought to Pass.

This bill amends the Fish and Game Laws to coincide with the Warrant Article passed at the Town Meeting in Madbury in March 1986. Vote 15-0. Rep. Lester R. Perham for Fish and Game.

HB 47, relative to certain fish and game licenses. Ought to Pass with Amendment.

This is a department housekeeping bill. This bill requires a tag to be placed on deer by bow and arrow hunters. Also, this bill makes taking of lobsters require a license. Before, this was omitted from law, only handling them afterwards would require a license. Giving paraplegics a lifetime license is a money saving section of law. Vote 15-0. Rep. Gerald R. Smith for Fish and Game.

#### Amendment

Amend section 3 of the bill by replacing it with the following:

3 Lobster and Crab License. RSA 211:18 is repealed and reenacted to read as follows:

211:18 License. No person shall take lobsters and crabs from any water under the jurisdiction of this state without first procuring a special license to do so. No such taking shall occur during the time from sunset to one hour before sunrise. The executive director shall issue the special license under rules adopted under RSA 541-A and in the form prescribed by him. The fee for such a license is \$103. If a person does not take lobsters or crabs for the purpose of selling them and does not use more than 5 traps, the fee is \$35. The fees and fines collected under this subdivision and the expenses of enforcing the subdivision shall be accounted for separately by the executive director. Nothing in this section shall pertain to the taking of green crabs.

Amend section 5 of the bill by replacing it with the following:

5 Crabs. Amend RSA 211:18-c to read as follows:

211:18-c [Red] Crabs. Notwithstanding any provisions of this chapter to the contrary any [resident] person may take 12 [red] crabs a day by angling, diving, or by hand without a license.

6 Effective Date. This act shall take effect upon its passage.

HB 61, relative to rulemaking by the executive director of the department of fish and game, pertaining to deer, bear, and small game animals. Ought to Pass with Amendment.

This bill, as amended, extends the authority of the Executive Director of Fish and Game to set the deer and black bear seasons for another 2 years. Vote 14-0. Rep. Charles H. Felch for Fish and Game.

#### Amendment

Amend the title of the bill by replacing the title of the bill with the following:

#### AN ACT

relative to the executive director setting  
the deer and bear seasons for taking.

Amend the bill by replacing all after the enacting clause with the following:

1 Executive Director's Authority. Amend RSA 208:2 to read as follows:

208:2 Executive Director Controls Taking, Time, and Conditions. The executive director, with the consent of the commission, shall have the authority to open and close the seasons for the taking of wild deer, to fix the number and sex limitations for wild deer, and any other conditions governing the methods and manner of taking and reporting of the same, subject to the conditions specified in RSA 208:3, 3-a, 3-b, 3-c, 4, 6-a and 7. The authority of the executive director as granted by this section shall be exercised with reference to the state as a whole or for any specified county or part thereof, and shall expire on December 31, [1986] 1988, except that such authority shall permit the executive director, with the consent of the commission, to set the opening date of the regular deer season for [1987] 1989. All rules adopted by the executive director shall be in accordance with RSA 541-A.

2 Black Bear. Amend RSA 208:22, 1 to read as follows:

1. The executive director, with the consent of the commission, shall adopt rules, pursuant to RSA 541-A, relative to opening and closing the seasons for the taking of wild black bear, fixing the number of wild black bear that may be taken and any other conditions governing the methods and manner of taking and reporting of the same. The authority of the executive director as granted by this section may be exercised with reference to the state as a whole or for any specified county or part of a county until January 1, [1987] 1988; provided, however, the executive director shall set the opening date of the bear season for [1987] 1989. Dog training shall be permitted in accordance with RSA 207:12-a.

3 Effective Date. This act shall take effect upon its passage.

This bill, as amended, extends the authority of the executive director of fish and game to set deer and black bear seasons for another 2 years.

HB 142-FN, relative to sunset review of the fish and game department - administration and support. Ought to Pass with Amendment.

This bill renews the Sunset Review for another six years and amends the bill to provide a biennial report to the General Court outlining the following:

1. Changes in fee structures, licenses and permits.
2. Memorandum of agreements between Fish and Game and the Department of Resources and Economic Development to develop a cooperative effort to promote hunting and fishing activities in the State.
3. The Fish and Game Director to develop a public information and marketing plan for the department and provide copies to appropriate standing Committees of the Legislature.

Vote 14-0. Rep. Lester R. Perham for Fish and Game.

#### Amendment

Amend section 1 of the bill by replacing it with the following:

1 Sunset; The Fish and Game Department - Administration and Support Renewed. The fish and game department - administration and support, PAU 030101, is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend section 3 of the bill by replacing it with the following:

3 New Section; Report to General Court. Amend RSA 206 by inserting after section 9 the following new section:

206:9-a Biannual Report to General Court.

1. The executive director of the fish and game shall, not later than January 1 of each odd numbered year, submit a report to the general court outlining recommendations for changes in the fee structure for all licenses and permits issued by the department. This report shall include consideration of:

- (a) License fees in contiguous states.
- (b) Inflation rates on department operations.
- (c) Previous license fee increases.
- (d) Budget demands.
- (e) Intensive analysis and justification for any general

fund support for fish and game department programs.

11. The first report shall be submitted on or before January 1, 1989.

4 Promotion of Hunting and Fishing in the State. The executive director of the fish and game department and the commissioner of the department of resources and economic development shall, by January 1, 1988, develop a memorandum of agreement on a cooperative effort to promote hunting and fishing activities within the state. Copies of this memorandum of agreement shall be made available to the appropriate standing committees of the legislature prior to the third legislative day of the 1988 regular session.

5 Information and Marketing Plan. The executive director of the fish and game department shall develop a formal public information and marketing plan for the department and provide copies of said plan to the appropriate standing committees of the legislature prior to the third legislative day of the 1988 regular session.

6 Effective Date. This act shall take effect upon its passage.

#### ANALYSIS

This bill renews the fish and game department - administration and support for 6 years.

This bill, as amended, requires a biannual report from the executive director of the department of fish and game to the general court relative to license fees in contiguous states; inflation rates; previous license fee increases; budget demands and justification for general fund support for fish and game programs.

The bill also requires the department of fish and game in cooperation with the department of resources and economic development to develop a memorandum of agreement on the promotion of hunting and fishing activities in the state.

The department of fish and game shall develop a formal public information and marketing plan.

HB 196, establishing a study committee to determine the feasibility of establishing ATV trails on rights of way of state highways. Ought to Pass with Amendment.

House Bill 196 creates a study committee to look into the feasibility of using state highway rights-of-way as OHRV trail corridors. If feasible, after addressing safety and environmental concerns, it's possible these corridors could be added to expand and improve existing trail systems. Vote 15-0. Rep. David M. Scanlan for Fish and Game.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a study committee to determine the  
feasibility of establishing OHRV trails on rights  
of way of state highways.

Amend section 1 of the bill by replacing it with the following:

1 Study Committee Established. There is hereby established a study committee consisting of the chief supervisor of the bureau of off highway recreational vehicles, division of parks and recreation, department of resources and economic development; the executive director of the department of fish and game, or his designee; the commissioner of the department of transportation, or his designee; the commissioner of the department of safety, or his designee; a representative from the New Hampshire Snowmobile Association; and a representative from the New Hampshire Off Highway Recreational Vehicle Association. The committee shall study the feasibility of establishing off highway recreational vehicle trails along existing state highways. The chief supervisor of the bureau of off highway vehicles shall serve as committee chairman. The committee shall meet as frequently as may be necessary to conduct this study. The committee recommendations shall be made in a report to the speaker of the house of representatives and the president of the senate on or before December 1, 1987.

HB 254-FN, relative to fish and game publications and miscellaneous retail items. Ought to Pass.

The Committee feels this bill is necessary to allow the Fish and Game Department to use the money they receive from Fish and Game publications and miscellaneous retail items on a non-lapsing revolving fund. Vote 15-0. Rep. Laura C. Pantelakos for Fish and Game.

Referred to Appropriations.

HB 217-FN, relative to nursing home care costs paid by counties. Ought to Pass.

House Bill 217 is a taxpayer's savings bill. The counties in New Hampshire did their part, in helping the State, during a fiscal crisis in 1981. Since then New Hampshire has developed a sizable surplus, and the Committee was unanimous in its decision that the State now return to the 50-50 formula, thereby helping the property taxpayer to an overall savings of nearly \$4,000,000. Vote 18-0. Rep. Lawrence A. Chase, Jr. for Health and Human Services.

Referred to Appropriations.

HB 52, imposing a mandatory minimum jail sentence for retaliating against a witness. Inexpedient to Legislate.

This bill would establish mandatory sentencing for this offense in contradiction to RSA 625 Sec. 3 irrespective of the conditions surrounding the offense - thus removing this prerogative from the court. Vote 10-0. Rep. Robert E. Murphy for Judiciary.

HB 94, relative to real estate attachments. Ought to Pass with Amendment.

This bill, if passed, would clear up an ambiguity in the law of attachments. The amendment would allow attachments from prior to 1976 to be renewed. Vote 13-0. Rep. Thomas U. Gage for Judiciary.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Real Estate Attachments. Amend RSA 511:55 by inserting after paragraph 11 the following new paragraph:

III. An attachment of real estate recorded prior to January 1, 1976, shall expire by operation of law on July 1, 1988, unless renewed in the office of the register of deeds in the county or district where the real estate or some part of it is situated prior to that date.

#### AMENDED ANALYSIS

This bill, as amended, provides that all real estate attachments recorded prior to January 1, 1976, shall expire on July 1, 1988, unless appropriately renewed prior to that date.

HB 141-FN, relative to sunset review of the commission on human rights. Ought to Pass.

The Committee agreed by a vote of 11-0 that this bill should be passed because the Commission on Human Rights performs an important service for the people of New Hampshire. The Committee was convinced that the Commission has adopted suitable rules and that additional financing should be provided to the Commission if funds are available. Rep. Francis E. Robinson for Judiciary.

HB 328-FN-A, relative to business profits tax liens. Ought to Pass. The Committee voted 13-0 to recommend passage of this bill because it is expected that it will save money for the State, counties and taxpayers due to the fact that the Department of Revenue Administration will not be required to renew unsatisfied tax liens annually. Counties will not be required to record liens annually and affected taxpayers will not be required to pay an annual recording fee. The bill also would make it unnecessary for Revenue Administration to sell attached property within a limited time. Rep. Francis E. Robinson for Judiciary.

HB 12, recodifying the workers' compensation law. Re-Refer to Committee.

House Bill 12 is a bill recodifying the Workers' Compensation Law. There are two drafts of 50 and 53 pages. It needs more time than is available during this Session to properly handle it. Vote 16-0. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

HB 246, relative to prime contractor liability. Inexpedient to Legislate.

This bill was withdrawn at the request of the sponsor. Vote 16-0. Rep. Patti Blanchette for Labor, Industrial and Rehabilitative Services.

HB 185, authorizing any town to limit the number of consecutive terms of town officials. Inexpedient to Legislate.

Any problem envisioned by this bill can be resolved by the ballot box in each community. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 186, relative to the appointment and terms of alternates for certain municipal offices. Ought to Pass.

This bill is a minor alteration to existing law, which allows the planning board some flexibility in appointing alternate members. Vote 16-0. Rep. Chris Korcoulis for Municipal and County Government.

HB 202-FN, relative to membership on county conventions. Inexpedient to Legislate.

This bill is premature since the next redistricting for the State will not occur until 1991. Vote 16-0. Rep. Kurt A. Normandin for Municipal and County Government.

HB 210, relative to emergency expenditures by towns. Inexpedient to Legislate.

No strong support. The sponsor was the only person in favor; all other testimony was strongly opposed. The problem addressed by this bill does not appear to be widespread, and the Committee concludes that there is no need for this bill to become law. Vote 16-0. Rep. John S. Barnes, Jr. for Municipal and County Government.

HB 245, relative to a husband's liability for payment of his wife's resident tax. Inexpedient to Legislate.

The majority of the Committee (15-1) voted in affirmative. This issue is well addressed by RSA 21:3, which supports Committee action of Inexpedient to Legislate. Rep. Paul A. Golden for Municipal and County Government.

HB 262-FN-A, relative to reimbursements to municipalities for emergency repairs made to state highways and making an appropriation therefor. Inexpedient to Legislate.

This bill raises many questions that were not adequately answered. Questions of who would initiate the action, what liability would be involved, and whether there has been a problem relating to emergencies that was not now being cared for in an expeditious manner. Vote 16-0. Rep. Roger C. King for Municipal and County Government.

HB 235-A, relative to replacing the Westville bridge and making an appropriation therefor. Inexpedient to Legislate.

The Department of Transportation reports that this bridge is already in the Governor's bridge program. Vote 18-0. Rep. James C. Chamberlin for Public Works.



HB 256-FN-A, making an appropriation for snowplowing sidewalks at Hampton beach. Inexpedient to Legislate.

The Committee felt strongly that this would be an improper and ill-conceived use of State funds. The Commissioner of the Department of Resources and Economic Development testified that the State does not plow sidewalks and that it does not have the equipment to do so. He also testified that the \$20,000 asked for in the bill was only one-half of what would be needed to do the job. There are many miles of sidewalks in the State of New Hampshire, within State rights-of-way and the passage of this bill would open the door for the expenditure of thousands of dollars for sidewalk clearing throughout the State. This type of activity is best left to the individual municipalities. Vote 17-1. Rep. Gene G. Chandler for Public Works.

HB 259, relative to the alcohol content in alcoholic beverages. Ought to Pass with Amendment.

This bill would change the definition of wine from 6% to 5%. This would place the distribution of the popular wine coolers with the Liquor Commission and remove them from the beer distributors.

The Committee felt this would be:

1. Unfair to the beer distributors
2. A workload the Liquor Commission does not need
3. An inconvenience to the store owners and consumers

The Committee amended the bill to clarify the definition of wine and liquor, thereby clarifying the definition of wine coolers. This brought two conflicting statutes in agreement with an earlier Attorney General's decision. Vote 17-0. Rep. James D. Phelps for Regulated Revenues.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

- 1 Definition; Liquor. Amend RSA 175:1, 1, to read as follows:

I. "Liquor," all distilled and rectified spirits, alcohol, wines, fermented and malt liquors and cider, [of over] greater than 6 percent alcoholic content by volume at 60 degrees Fahrenheit.

- 2 Definition; Wine. Amend RSA 178-A:1, 1V, to read as follows:

IV. "Wine" means any alcoholic beverage obtained by the fermentation of the natural content of fruit or other agricultural products containing sugar and containing [not less] greater than 6 percent [nor] but not more than 14 percent alcoholic content by volume at 60 degrees Fahrenheit.

- 3 Effective Date. This act shall take effect 60 days after its passage.

#### ANALYSIS

This bill, as amended, increases the alcohol content in the statutory definition of wine from not less than 6 percent nor more than 14 percent, to greater than 6 percent but not more than 14 percent.

HB 299-FN-A, continuing pari-mutuel tax credits for dog races, and raising the limit therefor. Ought to Pass.

The tax credits granted in the last Session resulted in increased revenues with the added race dates included. It is believed that this would again be the result and would assist the tracks in their ability to remain competitive with the increasing Massachusetts competition. Vote 11-1. Rep. William G. Dion for Regulated Revenues.

HB 333-FN-A, relative to video poker machines. Inexpedient to Legislate.

The Committee felt that HB 333 would increase State Liquor Commission personnel costs beyond what this bill could create in revenues. There were no provisions to enforce and would not correct the perceived problem that still exists with video poker machines. Vote 12-0. Rep. Ronald R. Laurion for Regulated Revenues.

HB 201-FN, relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property. Ought to Pass with Amendment.

House Bill 201, as amended, provides that the main campus of the New Hampshire Hospital shall remain the property of the State. The bill establishes a procedure and a priority system for the use and renovation of buildings deemed surplus to the Division of Mental Health for operation by the Commissioner of Administrative Services. The bill also revises RSA 4:40 to allow state-owned property which is in excess to State requirements to be offered to the city, town or county for use for municipal services only. Vote 10-0. Rep. Michael R. Weddle for State Institutions and Housing.

#### Amendment

Amend RSA 4:39-a, 1 as inserted by section one of the bill by replacing it with the following:

#### 4:39-a New Hampshire Hospital Real Estate.

1. The area in the city of Concord bounded by Pleasant, Fruit, Clinton, and South Spring streets, excluding any privately owned land and buildings, and known as the main campus of the New Hampshire hospital shall remain in its entirety the property of the state of New Hampshire, except such land as determined necessary for use by the city of Concord for approved municipal services may be conveyed in accordance with RSA 10:4 unless RSA 227-C:6 applies. If RSA 227-C:6 applies such land shall be conveyed in accordance with RSA 227-C:9. The director shall designate the use of any buildings on the main campus of the New Hampshire hospital in accordance with the following priorities: (1) division of mental health and developmental services and their lessees, (2) state departments, and (3) other government or nonprofit organizations performing a state-related function.

Amend RSA 4:40, I as inserted by section 2 of the bill by replacing it with the following:

I. Except as provided in RSA 4:39-a and paragraph 11 of this section, upon recommendation of the head of any state department having jurisdiction over the same and with the approval of the council on resources and development and the commissioner of the department of libraries, arts, and historical resources, all requests for the disposal or leasing of state-owned properties shall be reviewed and approved by the long range capital planning and utilization committee prior to submission to the governor and council for approval. Upon determination that the property is no longer needed by the state, the governor and council shall first offer it to the town, city, or county in which the property is located[.] for use for municipal services. If the town, city, or county accepts the offer, then at such time as the property is no longer used for municipal services it shall revert back to the state. If the town, city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real property.

HB 188, relative to use of headlights in low visibility weather. Inexpedient to Legislate.

This bill would require the use of headlights when visibility is so poor that a driver cannot see 200 feet ahead. Present law makes use of lights required when one cannot see 1000 feet ahead as the situation is already covered. Requiring use of lights when windshield wipers are in use would appear to be imposing unfair regulation on drivers' rights. Vote 13-0. Rep. Richard L. Haynes for Transportation.

HB 224-FN, establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible. Ought to Pass with Amendment.

The Committee felt that the request for study of the feasibility of having restaurants on the turnpikes had merit even though some questions were raised as to the need for them. The amendment was added as a courtesy to the New Hampshire Hospitality Association. Vote 14-0. Rep. Richard L. Haynes for Transportation.

#### Amendment

Amend section 1 of the bill by replacing it with the following:

1 Committee Established. There is hereby established a committee to study the feasibility of establishing restaurants along the state's turnpike system where permissible. The committee shall be composed of 4 members from the public works committee, appointed by the speaker of the house of representatives; one member from the appropriations committee, appointed by the speaker of the house of representatives; one representative from the department of transportation, designated by the commissioner of transportation; one member from the New Hampshire Hospitality Association appointed by the governor; one member of the House Transportation Committee appointed by the speaker of the House of Representatives. The members shall choose a chairman. The committee shall investigate the various types of restaurants or food establishments which would be authorized; recommend the locations for a restaurant site which would not conflict with federal regulations; if restaurants are to be state operated, the construction costs; revenue estimates, based on vehicle tabulation data; and any other matters deemed to be relevant to the study. The legislative members shall be entitled to legislative mileage when performing duties in connection with the work of the committee. The committee shall make a report of its findings and recommendations to the speaker of the house no later than December 1, 1987.

HB 257, relative to enforcement of speed limits. Inexpedient to Legislate.

The substance of this bill deserves some attention and control of speed is certainly important. However, it must be remembered that not every item needs a special statute. It is the opinion of the Committee that police officers already have discretionary powers to cover the requests of this bill. Vote 16-0. Rep. Richard L. Haynes for Transportation.

#### COMMITTEE REPORTS (Regular Calendar)

HB 168-FN, relative to sunset review of joint board of engineers, architects and land surveyors. Ought to Pass.

The consensus of the Committee felt this Board should be continued - the length of apprenticeship for land surveyors seemed too long, but the Committee felt that with the need for perfect deed recording a six-year apprenticeship was acceptable. Vote 1/-1. Rep. James R. Rosencrantz for Executive Departments and Administration.

Ordered to third reading.

HB 66-FN, reinstating the corporate charter of Camp Tecumseh. Ought to Pass with Amendment.

This bill, as amended, revives the corporate charters of Camp Tecumseh and the Lakewood Beach Association. Vote 13-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

reviving the corporate charters of  
Camp Tecumseh and the Lakewood Beach Association.

Amend the bill by replacing section 1 with the following:

1 Revival of Camp Tecumseh Corporate Charter. The charter of Camp Tecumseh, Inc., a nonprofit corporation in Moultonborough, New Hampshire, was dissolved on April 26, 1977, under RSA 292:25 for failure to file a 1976 decennial return and fee. Upon payment of any fees in arrears plus a revival fee of \$60, and by filing with the secretary of state any annual reports required by law, Camp Tecumseh, Inc. shall be hereby reinstated for all purposes as a New Hampshire Corporation. This reinstatement shall be retroactive to April 26, 1977.

Amend the bill by replacing section 2 with the following:

2 Reinstatement of Lakewood Beach Association Corporate Charter. Notwithstanding the 51-month limitation on revival of charters in RSA 292:30, 1, the officers of the Lakewood Beach Association may procure the revival of its November 19, 1948, charter, which was revoked on April 26, 1977, by complying with the requirements of RSA 292:30, II-VII. In effecting a revival of the Lakewood Beach Association charter, it is the express intent of the legislature not to recognize or extend in any way the littoral or riparian rights of said association.

3 Effective Date. This act shall take effect upon its passage.

#### ANALYSIS

This bill permits, upon the satisfaction of certain conditions, the revival of the charter of Camp Tecumsh retroactive to the time of its April 26, 1977, revocation.

The bill, as amended, also permits the revival of the charter of the Lakewood Beach Association, retroactive to the time of its April 26, 1977, revocation.

Amendment adopted.

Rep. Whittemore offered an amendment.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

reviving the charters of Camp Tecumseh and  
the Webster Lake Association.

Amend the bill by replacing section 2 with the following:

2 Revival of Webster Lake Association Charter. The Charter of the Webster Lake Association, Inc., a nonprofit corporation in Franklin, New Hampshire, was dissolved on April 26, 1977, under RSA 292:25 for failure to file a 1976 decennial return and fee. Upon payment of any fees in arrears plus a reinstatement fee of \$50, and by filing with the secretary of state any annual reports required by law, the Webster Lake Association, Inc. shall be hereby reinstated for all purposes as a New Hampshire corporation. This reinstatement shall be retroactive to April 26, 1977.

3 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill permits, upon the satisfaction of certain conditions, the revival of the charter of Camp Tecumseh retroactive to the time of its April 26, 1977, revocation.

This bill, as amended, permits, upon the satisfaction of certain conditions, the revival of the charter of the Webster Lake Association, Inc., retroactive to the time of its April 26, 1977, revocation.

The Clerk read the amendment.

Rep. Whittemore explained the amendment.

Reps. McIntire and Joseph Eaton spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 298-FN, relative to the land use change tax. Inexpedient to Legislate.

Most testimony was against this bill. Current use is working and most felt that this act would not bring in the revenue that the sponsor anticipated. Also, the Study on Current Use that the University of New Hampshire did, has just been received. The Committee should have a chance to study this report to see if any changes are recommended. Vote 16-1. Rep. Marilyn R. Campbell for Environment and Agriculture.

Rep. Cole spoke to the report.

Resolution adopted.

HB 211, relative to warrants for bond issues by towns. Inexpedient to Legislate.

This bill is unnecessary, as existing law adequately addresses the intent of the sponsor. Vote 16-0. Rep. George M. West for Municipal and County Government.

Rep. Alf Jacobson spoke to the report.

Resolution adopted.

HB 341-FN, relative to educational activities by the liquor commission and making an appropriation therefor. Inexpedient to Legislate.

The posters are already available from the Highway Safety Commission, the alcohol consumption guides are readily available from private sector, and the 1D books described are available through the trade organizations, so therefore, the Committee felt it was not necessary for the Liquor Commission to provide these documents. Vote 12-0.  
Rep. William J. Desrosiers for Regulated Revenues.

Rep. Lefebvre moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.  
Rep. Phelps spoke against the motion.  
Motion lost.  
Resolution adopted.

Reps. Palumbo and Chambers move that HCR 10, adopting Joint Rules for the 1987-1988 sessions, as amended, be adopted.

#### Amendment

Amend Joint Rule 4-A(b) by striking out the words " July 1, 1985", "September 3, 1985" and "October 1, 1985" and inserting in place thereof the following:

"May 5, 1987"

"October 1, 1987"

"November 19, 1987"

Amend Joint Rule 6 by deleting all and inserting in place thereof the following:

6.(a) Every bill repealing or modifying any act or statute shall refer to the same:

(1) If contained in the Revised Statutes Annotated, by the section and chapter.

(2) If not contained in the Revised Statutes Annotated, by the section and chapter and the session of the legislature when the same was passed expressed clearly with full reference to all amendments in sequence so that it shall not be necessary to refer to any other act or statute to ascertain its meaning.

(b) The title of every bill shall indicate, in brief and comprehensive form, the subject matter contained in the bill.

(c) Commencing with section 2 each section of the Operating Budget bill shall be annotated as to its source (i.e. Governor, House or Senate) and as to substantive amendments to such section. Such annotations shall be provided by the Legislative Budget Assistant and shall appear at the end of the actual section to which they apply.

(d) It shall be the duty of the presiding officer of each body of the legislature to require all such bills to be made in conformity with this rule, before putting any vote thereon, except to commit or amend.

(e) During the first-year session, a standing committee of the non-originating body may report a bill or resolution with the recommendation that it "be recommitted for action in the second-year session." Any bill or resolution that has been acted upon by the originating body and sent to the non-originating body at least 7 calendar days prior to any deadline for final action in the originating body under Joint Rule 10 shall not be subject to a motion for recommitment under this rule.

(f) Any bill or resolution so recommitted by either body shall be reported to that body on or before the fifth legislative day of the second-year session.



(g) When the non-originating body reports a bill or resolution back to the originating body with an amendment, that bill or resolution may not be recommitted for action in the second-year session by the originating body. Any amended bill or resolution so reported back to the originating body prior to any deadline for final action in the originating body under Joint Rule 10 shall not be subject to a motion for recommitment.

Amend Joint Rule 10(a)(1) by striking out the words "third Thursday in April (April 18)" and inserting in place thereof the following:

"first Thursday in April (April 2)"

Amend Joint Rule 10(a)(2) by striking out the words "fourth Tuesday in April (April 23)" and inserting in place thereof the following:

"second Thursday in April (April 9)"

Amend Joint Rule 10(a)(3) by striking out the words "first Thursday in April (April 4)" and inserting in place thereof the following:

"third Thursday in March (March 19)"

Amend Joint Rule 10(b)(1) by striking out the words "second Thursday in May (May 9)" and inserting in place thereof the following:

"fifth Thursday in April (April 30)"

Amend Joint Rule 10(b)(2) by striking out the words "third Monday in May (May 20)" and inserting in place thereof the following:

"first Tuesday in May (May 5)"

Amend Joint Rule 10(b)(3) by striking out the words "third Thursday in May (May 16)" and inserting in place thereof the following:

"first Thursday in May (May 1)"

Amend Joint Rule 10(b) by adding the following new section:

10(b)(4) Legislation returned from the non-originating body, with an amendment, shall not be re-referred to Committee but shall have one of the following recommendations: Concur, Nonconcur, Nonconcur and request a Committee of Conference.

Legislation received in either House fourteen or more days before deadline shall not be re-referred to Committee.

Amend Joint Rule 10(c) by striking out the words "first Tuesday in June (June 4)" and "fifth Wednesday in May (May 29)" and inserting in place thereof the following:

"third Wednesday in May (May 20)"

"third Friday in May (May 15)"

Amend Joint Rule 10(c)(1) by striking out the words "fourth Saturday in May (May 25)" and "fourth Monday in May (May 27)" and inserting in place thereof the following:

"second Tuesday in May (May 12)"

"second Wednesday in May (May 13)"

Amend Joint Rule 10(c)(1) by inserting the following new paragraph:

The report of the Committee of Conference on the so called Budget Bill and the Capital Budget Bill shall be available on the 18th of May, 1987.

Amend Joint Rule 10(d) by striking out the words " first Wednesday in June (June 5)" and "first Tuesday in June (June 4)" and inserting in place thereof the following:

"fourth Friday in May (May 22)"

"third Wednesday in May (May 20)"

Amend Joint Rule 10 by inserting after 10(d) the following new rule:

10(e) A supplemental budget for the second-year session must be introduced no later than the second Tuesday in January.

Amend Joint Rule 12(a) by striking out all and inserting in place thereof the following:

"(a) Before any deadline established for passage of bills from the first body, Rule 12 may be suspended by a three-fifths vote of the Rules Committee in either body.

Deadline dates for the second-year session shall be established by the Joint Rule's Committee under Joint Rule 1(b)"

Amend Joint Rule 12(b) by striking out the words "fifth Wednesday in May (May 29)" and "first Tuesday in June (June 4)" and inserting in place thereof the following:

"second Thursday in May (May 14)"

"third Wednesday in May (May 20)"

Amend Joint Rule 18 by striking out the note section "(Note: The schedule contained in Joint Rule 10 as adopted for the second year session shall, for said second year session supersede any conflicting date contained in this rule.)" and the words "third Thursday in May (May 16)" and inserting in place thereof the following:

"first Thursday in May (May 7)"

Amend Joint Rule 19 by striking out the note section "(Note: The schedule contained in Joint Rule 10 as adopted for the second year session shall, for said second year session, supersede any conflicting date contained in this rule.)" and the words "first Tuesday in April (April 2)" and inserting in place thereof the following:

"third Thursday in March (March 19)"

Amend Joint Rule 20(d) by striking out the first sentence and inserting in place thereof the following:

No action shall be taken in either body on any committee or Conference report earlier than some subsequent day, after the report has been delivered to the seats or placed on a member's desk.

Amend Joint Rule 24(a) by inserting after the first paragraph the following new paragraphs:

Legislation re-referred to Committee shall be exempt from the provisions of Joint Rule 24(a)

(a)(1) Bills and resolutions substantially similar to bills and resolutions referred for interim study in the first-year session shall not

be reintroduced or acted upon during the second-year session. The presiding officer shall determine whether any bill or resolution introduced into the second-year session is substantially similar to a bill or resolution referred for interim study in the first-year session.

Rep. Harold Burns explained the amendment.  
Amendment adopted.

Rep. Harold Burns offered an amendment.

Amendment

Amend Joint Rule 6(e) by deleting the word "recommitted" in line five, and the word "recommittal" in line thirteen and inserting in place thereof the following:

"re-referred" and "re-referral"

Amend Joint Rule 6(f) by deleting the word "recommitted" in line two and inserting in place thereof the following:

"re-referred"

Amend Joint Rule 6(g) by deleting the word "recommitted" in line four and the word "recommittal" in line eleven and inserting in place thereof the following:

"re-referred" and re-referral"

Amend Joint Rule 10(b)(4) by deleting the second paragraph, "Legislation received in either House fourteen or more days before deadline shall not be re-referred to Committee."

Amend Joint Rule 24(b) be deleting in line eight, the dates "1985-1986" and inserting in place thereof the following:

"1987-1988"

Amend Joint Rule 24(b) under "Statement of Purpose and Intent," in lines one and twenty-seven, the dates "1985" and inserting in place thereof the following:

"1987"

Rep. Harold Burns explained the amendment.  
Amendment adopted.  
Question being on the adoption of HCR 10 as amended.  
Adopted.  
Ordered to third reading.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 3 at 1:00 p.m.

Adopted.

LATE SESSION  
Third reading and final passage

HB 230, establishing a hotline for missing children.

HB 236, relative to durable powers of attorney.

HB1 2011, providing an incentive for employers to operate day care facilities.

HB 66-FN, reviving the charters of Camp Tecumseh and the Webster Lake Association.

HB 110-FN, relative to sunset review of the New Hampshire retirement system.

HB 118-FN, relative to sunset review of board of optometry.

HB 119-FN, relative to sunset review of pharmacy commission.

HB 127-FN, relative to sunset review of the board of veterinary examiners and relative to preliminary hearings.

HB 166-FN, relative to sunset review of department of health and human services - division of public health services - electrologists.

HB 176-FN, relative to sunset review of state board of auctioneers.

HB 22, relative to methods of hunting and possession of deer and moose and illegal night hunting.

HB 38, relative to the method of taking deer in the town of Madbury.

HB 47, relative to certain fish and game licenses.

HB 61, relative to the executive director setting the deer and bear seasons for taking.

HB 142-FN, relative to sunset review of the fish and game department - administration and support.

HB 196, establishing a study committee to determine the feasibility of establishing OHRV trails on rights of way of state highways.

HB 94, relative to real estate attachments.

HB 141-FN, relative to sunset review of the commission on human rights.

HB 328-FN-A, relative to business profits tax liens.

HB 186, relative to the appointment and terms of alternates for certain municipal offices.

HB 259, relative to the alcohol content in alcoholic beverages.

HB 299-FN-A, continuing pari-mutuel tax credits for dog races, and raising the limit therefor.

HB 201-FN, relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property.

HB 224-FN, establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible.

HB 168-FN, relative to sunset review of joint board of engineers, architects and land surveyors.

HCR 9, inviting Chief Justice Brock to address a Joint Convention on the state of the judiciary.

HCR 10, adopting Joint Rules for the 1987-1988 sessions.

Rep. Palumbo moved that the House stand in recess.  
Adopted.

The House recessed at 1:57 p.m.

RECESS

(Speaker in the Chair)

Rep. Palumbo moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 9

*Tuesday, 3Mar87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Creator and Preserver of all, be in our midst as we gather this day and strengthen us as we set about the task to which we are called.

We labor under the pressures of time and schedule. We know that others expect great things from us, and we expect no less of ourselves.

Redeeming God, we ask You to remind us gently but firmly of our humanity. Help us accept the fact that we cannot predict the future and cannot fully know what today's decisions will mean tomorrow.

Grant, Lord God, that we may be responsive to Your spirit, and to the needs of Your people in this statewide community which we serve. Amen.

Rep. Wilson led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Manus, Schwaner, Boisvert, Sullivan, Frank, Chris Jacobson, Nagel, Eleanor Anderson, Mace, Ralph Torr and Bowler, the day, illness.

Reps. Gilbreth, Simon, Pantelakos, William Dion, Gerard Desrosiers, Champagne, Lionel Boucher, Olimpio, Fraser, Rodgers, Bourque, McIntire, Carl Anderson, Musler, Bennett, Scott, Davis and Gordon Arnold, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

## INTRODUCTION OF GUESTS

Members from the New Hampshire Farm Bureau, guests of the House; Paul Emmett, grandson of Rep. LaMott; Donna Soucy, guest of Rep. Soucy.

## VACATE

Rep. Ezra Mann moved that the House vacate the reference of HB 473, relative to the recall of local officials, to the Committee on Municipal and County Government.

Adopted.

The Speaker referred HB 473 to the Committee on Constitutional and Statutory Revision.

Rep. Fraser moved that the House vacate the reference of HB 291, relative to cosmetology, to the Committee on Commerce, Small Business and Consumer Affairs.

Adopted.

The Speaker referred HB 291 to the Committee on Executive Departments and Administration.

SENATE MESSAGE  
REQUESTS CONCURRENCE WITH AMENDMENT

HB 89, relative to library regions. (amendment printed SJ 2/19)

Rep. Parker moved that the House concur.  
Adopted.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 16, 35, 41, 42, 12, 27, 29, 8, 19 and 28, and Senate Concurrent Resolution numbered 1, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS AND SCR  
First, second reading and referral

SB 16, allowing the award of attorney fees, court costs, and reimbursement of collection agency fees in actions to collect debts. (Judiciary)

SB 35, relative to the filing of capital improvement plans by municipalities and the effect of failure to file. (Municipal and County Government)

SB 41, relative to unclassified state employees. (Executive Departments and Administration)

SB 42, relative to employees of the sweepstakes commission. (Regulated Revenues)

SB 12, relative to the operation of motors in Clarksville Pond in the area of Clarksville. (Resources, Recreation and Development)

SB 27, relative to the commemorative rifle or shotgun lottery. (Fish and Game)

SB 29, relative to the appointment of a caretaker for the "Old Man of the Mountain." (Resources, Recreation and Development)

SB 8, granting counties the authority to acquire and operate public utilities. (Commerce, Small Business and Consumer Affairs)

SB 19, relative to the liability of a trapper for an unlicensed dog and the trapper's report of catch. (Fish and Game)

SB 28-FN, relative to naming an unnamed route between state Route 175 and U.S. Route 3, in the towns of Holderness and Plymouth, Route 175-A. (Transportation)

SCR 1, commemorating the Melvin Village Community Church in Tuftonboro. (Constitutional and Statutory Revision)

## ENROLLED BILLS REPORT

HB 23, relative to halfway houses.

HB 28, relative to retention schedules for depository libraries.

Rep. Raymond C. Buckley, II

Sen. John P.H. Chandler, Jr.

For the Committee.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 373-FN-A, relative to family life education and making an appropriation therefor, was removed at the request of Rep. Granger.

HB 126-FN, relative to sunset review of the commission on the status of women, was removed at the request of Rep. Granger.



HB 374-FN-A, permitting the operation of on-line video poker machines at certain facilities and making an appropriation therefor, was removed at the request of Rep. Nancy Ford.

HB 104-FN, relative to sunset review of the office of state planning, was removed at the request of Rep. Bardsley.  
Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

HB 269-FN-A, relative to the appropriation for motor vehicle replacement. Ought to Pass.

This bill provides emergency funds for car replacement for the rest of the biennium. Vote 21-0. Rep. Paul I. LaMott for Appropriations.

HB 284-FN-A, making an appropriation for a conference on day care. Ought to Pass.

The intent of this legislation is to authorize the Division of Public Health to give a conference concerning child care issues for employers, child care providers and the public. Vote 15-0. Rep. Pamela B. Bean for Children, Youth and Elderly Affairs.

Referred to Appropriations.

HB 315, relative to the definition of sending district. Inexpedient to Legislate.

This legislation does not solve the problems of school districts especially as to lawsuits. The testimony led the Committee to decide that this bill would cause more problems than it would solve. Vote 16-0. Rep. Josephine Mayhew for Children, Youth and Elderly Affairs.

HB 338-FN-A, relative to the senior companions and foster grandparents programs and making an appropriation therefor. Ought to Pass.

For more than 20 years New Hampshire citizens have received the services of senior volunteers. Senior companions regularly visit homebound elderly, ensuring safety, comfort and independence outside of a nursing home. Foster grandparents help special needs children reach their full potential in public schools and state institutions. The small stipend the volunteers receive has assisted in maintaining their economic independence. Senior volunteers have reduced the need for long-term custodial care and more professional staff for our schools. Their service has reduced state, county and local appropriations for serving our needy elderly and youth. Vote 15-0. Rep. Joe B. Parks for Children, Youth and Elderly Affairs.

Referred to Appropriations.

HB 340-FN-A, establishing a child care facilities fund. Re-Refer to Committee.

The Committee voted to re-refer this bill to Committee for further study. It felt that it may be possible to combine HB 375 with this bill and come up with a better piece of legislation. The \$.01 fee imposed on cigarettes was not justified to appropriate this money to child care. Vote 16-0. Rep. Annette M. Cooke for Children, Youth and Elderly Affairs.

HB 375-FN-A, establishing incentives for day care centers. Re-Refer to Committee.

The intent of the Committee was to re-refer this bill back to Committee for the purpose of more carefully studying the provisions

related to tax incentives under the Business Profits Tax. In addition, the bill provides for loans through the Industrial Development Authority, but does not provide any statutory loan limits for the proposed loans and provides no source of funding for such loans. Vote 15-0. Rep. Monte D. Rehlander for Children, Youth and Elderly Affairs.

HB 204-FN, requiring supervisors of the checklist in the New England states to be notified when a voter is added to a checklist in New Hampshire. Ought to Pass.

With a much more migratory population it seems time to cooperate with our neighboring states to promote an error-free checklist. Many supervisors of the checklist already do this. Vote 15-0. Rep. Betty B. Hall for Constitutional and Statutory Revision.

HB 323-FN-A, relative to school instruction in the Heimlich maneuver and making an appropriation therefor. Inexpedient to Legislate. The State Department of Education stated in hearing that a letter will be sent to all school districts urging support of the teaching of the Heimlich maneuver. The methods of teaching the Heimlich maneuver are being addressed locally with the assistance of police, fire departments, emergency medical technicians, Red Cross and school nurses. Vote 18-0. Rep. Mable G. Cutting for Education.

HB 11, relative to the number of library trustees. Ought to Pass with Amendment.

This bill, requested by the Department of Libraries, Arts and Historical Resources, requires that town public libraries have an odd number of trustees; present law allows any multiple of three. The Committee agrees with the request. The amendment simplifies and clarifies some of the wording. Vote 15-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

#### Amendment

Amend RSA 202-A:6 as inserted by section 1 of the bill by replacing it with the following:

202-A:6 Library Trustees; Election. The library trustees shall have the entire custody and management of the public library and of all the property of the town relating thereto, except trust funds held by the town. Any town having a public library shall, at a duly warned town meeting, elect a board of library trustees consisting of any odd number of persons [divisible by 3] which the town may decide to elect. [At the first election 1/3 of the trustees shall be elected for one year, 1/3 for 2 years and 1/3 for 3 years, or until their successors are elected and qualified. Thereafter each year 1/3 of the trustees shall be elected for a term of 3 years, each, and] such trustees shall serve staggered 3-year terms or until their successors are elected and qualified.

#### AMENDED ANALYSIS

This bill, as amended, provides that boards of library trustees shall consist of an odd number of members, each of whom shall serve a 3-year term.

HB 106-FN, relative to sunset review of board of claims. Ought to Pass with Amendment.

The Board is doing a good job and ought to continue. The amendment embodies two appropriate recommendations of the Sunset staff that would increase the efficiency of its operations. Vote 14-0. Rep. Scott E. Green for Executive Departments and Administration.

## Amendment

Amend the bill by replacing section 1 with the following:

1 Sunset; Board of Claims Renewed. Board of claims, PAU 010604 (formerly PAU 010704), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 New Paragraphs; Jurisdiction. Amend RSA 541-B:9 by inserting after paragraph IV the following new paragraphs:

V. Notwithstanding paragraph II, the department of corrections shall have exclusive jurisdiction to investigate, conduct hearings and make decisions, and render or deny awards on claims against the state prison when the amount involved is less than \$500.

VI. The board of claims may authorize payment of uncontested claims based upon a review of the record, without holding a hearing.

4 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill renews the board of claims for 6 years.

The bill, as amended, authorizes the department of corrections to settle claims against the state prison when the amount involved is less than \$500.

The bill, as amended, further authorizes the board of claims to make payment of uncontested claims based on review of the record, without a hearing.

HB 111-FN, relative to sunset review of the board of accountancy. Ought to Pass.

The Committee felt that the Board of Accountancy was doing an appropriate task for the state in an efficient and praiseworthy matter. It ought to continue. Vote 14-0. Rep. Scott E. Green for Executive Departments and Administration.

HB 115-FN, relative to sunset review of regulation of electricians. Ought to Pass.

New Hampshire residents have been well-served by the "Electricians' Board." Their concern for the basic trade qualifications and proper inspection procedures has lowered the threat to public safety. It is the unanimous decision of this Committee that the Electricians' Board should be "wired" for an additional six years. Vote 16-0. Rep. Theodore J. Cusson, Sr. for Executive Departments and Administration.

HB 116-FN, relative to sunset review of funeral directors and embalmers board. Ought to Pass.

This Committee strongly recommends the continued regulation of Embalmers and Funeral Directors. Testimony presented and further evaluation of the "Sunset Committee Reports" indicates that public health concerns in the proper handling of human remains are well-founded. It is unanimous that this Board should be continued for an additional six years. Vote 16-0. Rep. Theodore J. Cusson, Sr. for Executive Departments and Administration.

HB 120-FN, relative to sunset review of plumbers board. Ought to Pass with Amendment.

The Plumbers' Licensing Board has carried out its duties with great "aplomb." The need to protect the public from serious health hazards

is very clear. The weight of testimony presented to this Committee clearly shows that we should continue the "flow" of protection offered by this Board. Vote 16-0. Rep. Theodore J. Cusson, Sr. for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Sunset; Plumbers Board Renewed. Plumbers board, PAU 020615 (formerly PAU 020622), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 Compensation of Plumbers Board. Amend RSA 329-A:4 to read as follows:

329-A:4 Compensation and Expenses. Members of the board shall [serve without compensation, except as provided in RSA 329-A:6, but shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this chapter] each be allowed the sum of \$30 per day and their necessary traveling expenses incurred in carrying out their official duties.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews the plumbers board for 6 years.

The bill, as amended, provides that the members of the plumbers board shall each be allowed the sum of \$30 per day and their necessary traveling expenses incurred in carrying out their official duties.

Referred to Appropriations.

HB 161-FN, relative to sunset review of the board of barbering and cosmetology. Ought to Pass.

This Board, as recommended by the Sunset Committee, should be renewed for another six years. The Subcommittee found no additional areas to be addressed by the Sunset legislation. Vote 16-0. Rep. Wayne D. King for Executive Departments and Administration.

HB 277-FN, continuing the task force to study mental health services. Ought to Pass.

The bill continues the Task Force to Study Mental Health Services. Due to a delay in the appointments of the Committee members, more time is needed to adequately fulfill the task as established by 1986, 96:1. Its report will be due at the end of 1987. Vote 17-0. Rep. Bronwyn Asplund for Health and Human Services.

HB 123-FN, relative to sunset review of public employee labor relations board. Ought to Pass with Amendment.

That the Public Employee Labor Relations Board should be renewed was unanimously favored by the Committee. The amendment only corrects the incorrect date of 1991 to 1993. Vote 12-0. Rep. Maurice B. MacDonald for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Sunset; Public Employee Labor Relations Board Renewed. The public employee labor relations board, PAU 020618 (formerly PAU 020625), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

HB 434, relative to the public employee labor relations board. Ought to Pass.

This bill adopts Sunset suggestions allowing the Public Employee Labor Relations Board to legally appoint hearing officers and extending the hearing time from 45 to 60 days. Vote 18-0. Rep. Maurice B. Macdonald for Labor, Industrial and Rehabilitative Services.

HB 304-FN-A, relative to simulcast racing. Ought to Pass with Amendment.

Simulcast racing has been in effect for two years with no adverse effects to the State. This bill, as determined by the Pari-Mutuel Commission, will increase state revenues by between \$25,000 to \$30,000 yearly for the next year and each year thereafter. The breakage distribution for simulcast wagering is adjusted to place it on an equitable basis with neighboring states. This will, in reality, place our tracks in a better position since we were in an untenable situation in competition with neighboring states. Vote 16-0. Rep. Robert N. Kelley for Regulated Revenues.

#### Amendment

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Referred to Ways and Means.

HB 317-FN-A, to tax smokeless tobacco and other tobacco products. Inexpedient to Legislate.

The Committee was unanimous in its feeling that passage of this legislation could create more problems than it would solve. Vote 16-0. Rep. Stephen W. Buco for Regulated Revenues.

HB 171-FN, relative to sunset review of New England water pollution control commission. Ought to Pass with Amendment.

This bill renews the Commission for a period ending 1993. In addition, the bill provides for diversifying the appointment of New Hampshire's five members on the Commission. Hereafter, one member shall be the Director of Public Health, one shall be the Commissioner of Environmental Services and three others nominated by the latter. Governor and Council make the appointments. Vote 13-0. Rep. Richardson Blair for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing the title of the bill with the following:

#### AN ACT

relative to sunset review of the New England interstate water pollution control commission.

Amend the bill by replacing all after the enacting clause with the following:



1 Sunset; New England Interstate Water Pollution Control Commission Renewed. New England interstate water pollution control commission is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

2 Effect of Later Enactments. Passage of this act renewing New England interstate water pollution control commission shall not limit any subsequent legislative action affecting this agency or program. The general court shall retain its full power to make amendments to or to terminate New England interstate water pollution control commission, pursuant to RSA 17-G:9

3 Appointment of Commissioners. RSA 488:3 is repealed and reenacted to read as follows:

488:3 Commissioners. The governor, with the consent of the council, shall appoint 5 commissioners to the New England Interstate Water Pollution Control Commission. These commissioners shall include the director, division of public health services or his designee, the commissioner of environmental services or his designee, and 3 other persons to be nominated by the commissioner of environmental services. All commissioners, except the director, division of public health services and the commissioner of environmental services, shall serve 4-year terms. A vacancy shall be filled for the remainder of the unexpired term.

#### AMENDED ANALYSIS

This bill, as amended, renews the New England interstate water pollution control commission for 6 years. It also changes the New Hampshire membership of the commission to include the commissioners of environmental services, the director of the division of public health services, and 3 members to be nominated by the commissioner of environmental services and appointed by the governor and council.

HB 184, relative to docking on public waters of the state. Ought to Pass with Amendment.

This bill removes the Grant-in-Right authority that the Governor and Council now have with regard to major docking project applications that are referred to them by the Wetlands Board. In essence, the Grant-in-Right gives the shoreline owner a piece of the lake in perpetuity as RSA 482:41-e now reads.

All the testimony heard was in support of this bill revising RSA 482:41-e to provide that when the Governor and Council (in the future) are required to act on an application any approval would only constitute an authorization to the Wetlands Board to issue a permit. Such a permit would then be subject to all rules and conditions of any other permit issued by the Board. This authority will be removed from RSA 482:41-e and placed in RSA 483-A:1.

This bill is the result of one of the recommendations made in the Docking Committee Report last Fall. Vote 15-0. Rep. Charles H. Dingle for Resources, Recreation and Development.

#### Amendment

Amend RSA 483-A:1, II as inserted by section 2 of the bill by replacing it with the following:

II.(a) The wetlands board shall submit to the governor and council all requests for permits approved by the board which meet the definition of major projects located in great ponds or public owned water bodies under the rules of the wetlands board which have been approved by the board as complying with the requirements of the rules.



(b) The governor and council shall consider the request for permit transmitted by the board. The council may approve as transmitted or deny the submitted request. Following action by the governor and council the requests shall be returned to the board for permitting, if approved, or filing, if denied.

HB 192-FN-A, relative to an office of technical assistance for community planning and making an appropriation therefor. Ought to Pass with Amendment.

The Committee felt that this program of regional and municipal assistance relative to growth management and resource protection addresses a critical need in a manner that is consistent with home rule philosophy. No appropriation is necessary since funding has been included in the Governor's operating budget. Vote 14-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a program of regional and municipal assistance  
in the office of state planning.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Regional and Municipal Assistance. Amend RSA 9-A by inserting after section 4 the following new subdivision:

#### Regional and Municipal Assistance

9-A:5 Program Established. The director of the office of state planning shall establish a program of regional and municipal assistance within the office of state planning. This program shall coordinate state, regional, and local planning efforts with the goal of assuring delivery of efficient and effective assistance to local governments in areas related to growth management and resource protection.

9-A:6 Responsibilities for Assistance. The office of state planning shall:

I. Provide technical assistance and, within the limits of biennial legislative appropriations, financial grants to regional planning commissions established under RSA 36:45 et seq. in support of:

(a) Planning assistance to local units of government.

(b) Preparation of regional plans.

(c) Contributions to and coordination with state-wide planning and management activities, including the formulation and updating of the comprehensive state development plan prepared pursuant to RSA 9-A:1.

II. As requested and in cooperation with regional planning agencies, provide technical assistance and information in support of the planning and growth management efforts of local units of government, including training requested under RSA 673:3-a. The office shall encourage municipalities to first seek assistance from established regional planning commissions.

9-A:7 Coordination at State Level. The office of state planning shall coordinate efforts by state agencies to provide technical assistance to municipal governments in areas related to growth management and resource protection.

9-A:8 Contact Point. The office of state planning shall serve as the state's point of contact for local and regional officials seeking assistance from the state on growth management and resource protection matters.

2 Report; State Growth Management and Resource Protection Activities. To more efficiently coordinate state growth management and resource protection activities, the office of state planning shall:

I. Prepare an inventory, description and analysis of the technical assistance activities presently conducted by state agencies in support of local growth management and resource protection for presentation to the governor and legislature.

II. In consultation with the governor and appropriate legislative committees, prepare a strategy and action plan for improving the delivery of technical assistance to municipal governments and regional agencies. The strategy shall include priorities for improvements, recommend ways such services can be made more effective or efficient, and identify areas where additional assistance may be needed. The strategy and action plan shall be presented to the governor and legislature not later than December 1, 1988.

III. Monitor the progress of the action plan and the overall effectiveness of state agency assistance and submit a report to the governor, the president of the senate, and the speaker of the house on the results of such monitoring and an update of the strategy and action plan by December 1, 1990.

3 Studies. The office of state planning shall:

I. Investigate and identify alternative means of providing a municipality with an opportunity to participate in another municipality's permitting process when a proposed development will impact in any way on both communities.

II. Investigate potential methods of providing increased technical assistance to municipalities and regional planning commissions in areas such as engineering, legal affairs, and economic and demographic analysis to assist in growth and resource management efforts. The alternatives considered and evaluated by the office shall include, but not be limited to:

(a) Establishment of a state grant program to support specific technical assistance efforts.

(b) Establishment of a loan program to provide temporary financial assistance to municipalities and regional planning commissions.

(c) Increased use of state personnel to provide technical services.

III. The office shall submit a report detailing its findings and recommendations on the matters detailed in paragraphs I and II to the governor, the president of the senate and speaker of the house by September 30, 1987. This report shall include identification of any statutory action which may be necessary to implement the alternatives which are identified.

4 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill, as amended, establishes a program of regional and municipal assistance to coordinate state, local, and regional planning relative to effective growth management and resource protection. The office of state planning would provide financial and technical assistance to regional planning commissions and local governments to carry out the program.

The bill also requires the office of state planning to report to the governor, the president of the senate, and the speaker of the house on present state technical assistance programs on local growth management and ways to improve such programs and their delivery to local governments. The office is to serve as a state contact point for local governments seeking growth management assistance.

The bill requires the office of state planning to study how municipalities could participate in the development permitting process of a neighboring municipality, if that development would impact the first municipality.

HB 225, relative to stream reclassification of certain waters of the state. Ought to Pass.

This bill upgrades the classification of specific portions of Beaver, Pennichuck and Salmon Brooks to class B. This bill is a request of the Water Supply and Pollution Control Division of Environmental Services. Vote 14-0. Rep. Janet M. Conroy for Resources, Recreation and Development.

HB 255-FN-A, dedicating the federal Wallop-Breaux funds, with state matching funds, for the establishment of boat launching access and making an appropriation therefor. Ought to Pass with Amendment.

This bill establishes a separate account to which shall be credited an apportionment of Wallop-Breaux funds and any state matching appropriation for this purpose. Under this bill, the funds shall be used for land acquisition and the construction/maintenance of boat launching sites on any water bodies in the state. Vote 15-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

dedicating a portion of the federal Wallop-Breaux funds, with state matching funds, for the establishment of boat launching access and making an appropriation therefor.

Amend RSA 206:35-e as inserted by section 1 of the bill by replacing it with the following:

206:35-e Wallop-Breaux funds. The state treasurer shall establish a separate account to which shall be credited an apportionment of moneys received from the federal government which are known as the Wallop-Breaux funds and any state matching appropriation made for this purpose. This account shall be used for land acquisition and the construction or maintenance of boat launching sites on any water bodies in the state, including lakes, ponds, rivers, streams, Great Bay and the Atlantic Ocean, and such account is hereby appropriated for those purposes. Said funds shall be expended as determined by the executive director with the approval of the commission.

Amend section 2 of the bill by replacing it with the following:

#### 2 Appropriation.

1. The sum of \$650,000 is hereby appropriated to the department of fish and game for each of the fiscal years ending June 30, 1988, and June 30, 1989, for the purposes of section 1 of this act. The appropriation shall be as follows:

	<u>FY 88</u>	<u>FY 89</u>
Class 041 Audit fund set aside	975	975
Class 090 Boat launching access	649,025	649,025
Total	650,000	650,000

Estimated source of funds for fish and game

Class 000 Wallop-Breaux funds	487,500	487,500
General fund	<u>162,500</u>	<u>162,500</u>
Total	650,000	650,000

II. The state appropriation represents the state's matching share to be credited with the federal share, to the special account established under RSA 206:35-e. This appropriation shall be nonlapsing and in addition to any other funds appropriated to the department for the biennium. The governor shall draw his warrant for the state's share of this appropriation out of any money in the treasury not otherwise appropriated.

Referred to Appropriations.

HB 280, relative to water usage. Ought to Pass with Amendment. This bill requires that any public utility which proposes to use more than 5,000 gallons of water per day shall obtain the approval of the Divisions of Water Supply and Pollution Control and Water Resources as a condition before the Public Utilities Commission grants authority to such utility to operate. The amount of 5,000 gallons per day equates to needs of about 50 persons for usual household needs. Vote 13-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

#### Amendment

Amend RSA 374:22, III as inserted by section 1 of the bill by replacing it with the following:

III. No water company or any other person, whether natural or corporate, which uses or proposes to use more than 5,000 gallons of water per day shall obtain the {permission or} approval of the commission to operate as a public utility without first satisfying {any} the requirements of the division of water supply and pollution control {commission} and the division of water resources {board} concerning the reasonableness of the proposed use, and the suitability and availability of water for the applicant's proposed water utility or water use.

HB 306, limiting the horsepower of boat motors on Marchs Pond in the town of New Durham and prohibiting the use of jet skis on said pond. Ought to Pass with Amendment.

This bill limits the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibits the use of jet skis on said ponds and on Pine River Pond in Wakefield. Residents and safety officials testified that safety, loon nesting and wildlife were jeopardized by motor boats on these ponds. Vote 12-2. Rep. Steven Maviglio for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River Pond in the town of Wakefield.

Amend RSA 486:26 as inserted by section 1 of the bill by replacing it with the following:

1 New Sections; Marchs Pond, Chalk Pond, and Pine River Road. Amend RSA 486 by inserting after section 26 the following new sections:

486:27 Marchs Pond and Chalk Pond.

I. No person shall use or operate any power boat equipped with any type of power motor in excess of 5 horsepower upon Marchs Pond or Chalk Pond in the town of New Durham.

II. No person shall use or operate jet skis on Marchs Pond or Chalk Pond.

III. Any person who violates this section shall be guilty of a violation.

486:28 Pine River Pond.

I. No person shall use or operate jet skis on Pine River Pond in the town of Wakefield.

II. Any person who violates this section shall be guilty of a violation.

HB 307-FN-A, relative to the financing of regional planning commissions and making an appropriation therefor. Inexpedient to Legislate.

The Committee heard testimony from Representative Perry, one of the sponsors of the bill, and Mr. Nelson representing the Association of Regional Planning Commissions requesting the bill be Inexpedient to Legislate. The contents of this bill are covered in the Governor's budget. Vote 15-0. Reps. Thomas M. Brady and John B. Young for Resources, Recreation and Development.

HB 343-FN-A, relative to the mooring of boats on the lakes and ponds in the state and making an appropriation therefor. Re-Refer to Committee. At the public hearing held on 2/18/87, an amendment completely re-writing the bill was submitted at the request of the Governor's Office. As the Committee found it impossible to do justice to the subject of moorings in such a short time, and as the Committee is hearing another bill on the same subject March 2nd, the Committee has voted to re-refer the bill to Resources, Recreation and Development for the 1988 Session. Vote 12-2. Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development.

HB 268-FN-A, establishing an academy of science, arts and technological innovation and making an appropriation therefor. Inexpedient to Legislate.

The Committee realizes that the program existed previously. However, the Committee does not feel that the proposed changes from that experience are significant enough to warrant appropriations of monies at this time. Vote 9-0 Rep. Ronald F. Lanzara for Science, Technology and Energy.

HB 272, providing relocation assistance for tenants of discontinued manufactured housing parks. Inexpedient to Legislate.

The Committee considers that this bill would be counterproductive and would work to the disadvantage of manufactured housing parks and tenants therein. The requirement for park owners to determine available sites in other parks within a 50-mile radius would require owners to travel to nearby states and in some instances even Canada. The Committee feels that in anticipation of sale of manufactured housing parks, the restrictions placed on owners through relocation expenses and possible required purchase of housing of occupants within the park would leave the owner with little alternative but to make



steep increases in rents to cover this possibility. In conclusion, it is considered that individuals seeking to establish and build new parks would not be so willing to risk large amounts of capital because of the restriction placed on park owners by this bill. Vote 12-0. Rep. Henry F. Whitcomb, Jr. for State Institutions and Housing.

HB 351-FN-A, establishing a special needs housing task force and making an appropriation therefor. Re-Refer to Committee.

The Committee feels HB 351, is extremely important and goes along with 3 other bills in Committee that are similar and equally important and should be considered together for action in the 1988 session. Vote 13-0. Rep. Ednapearl F. Parr for State Institutions and Housing.

HB 353-FN-A, relative to condominium conversions and assessing a condominium conversion tax. Re-Refer to Committee.

The Committee unanimously agreed that the problem created by condominium conversions shall be addressed, but that it was impossible to give this legislation the careful consideration it deserves, given the onerous time constraints placed on all appropriation bills. Vote 13-0. Rep. Judy E. Reardon for State Institutions and Housing.

HB 358-FN-A, relative to a special needs housing loan fund and making an appropriation therefor. Re-Refer to Committee.

This bill deserves proper study by a Subcommittee and should return in 1988. Vote 13-0. Rep. Carol A. Nagel for State Institutions and Housing.

HB 512, relative to publication retention schedules for depository libraries. Inexpedient to Legislate.

The subject matter of HB 512 is already contained in HB 28. Vote 13-0. Rep. Carol A. Nagel for State Institutions and Housing.

HB 261-A, relative to filing business profits tax returns. Inexpedient to Legislate.

The Committee is of the opinion that present law makes adequate provision for the timely filing of the Business Profits Tax, e.g., tax payment is considered to be timely if received on or before the last day of the month in which the due date falls. Therefore, there is no need to change current law. Vote 16-0. Rep. Paul G. Blacketer for Ways and Means.

HB 325-FN-A, relative to the distribution of sweepstakes revenues. Ought to Pass.

This bill addresses the distribution of all Sweepstakes revenue. Whatever sum is realized, the entire amount will be forwarded to the school districts in a timely manner. Vote 17-0. Rep. Kathleen W. Ward for Ways and Means.

Referred to Appropriations.

#### UNANIMOUS CONSENT

Rep. Chamberlin addressed the House by unanimous consent.

#### COMMITTEE REPORTS (cont.) (Regular Calendar)

CACR 7, relating to the composition and compensation of the general court. Providing that there be a unicameral legislature of 80 members and each member's salary shall be \$12,000. Re-Refer to Committee.



The Committee wants to study the facts pertaining to a unicameral legislature and to obtain the facts from the State of Nebraska. This material will be of use in the future. Vote 10-3. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Report adopted.

HB 263-FN-A, establishing the arts development program and making an appropriation therefor. Ought to Pass with Amendment.  
The Committee agreed, in light of the failure of Theatre by the Sea, that the Arts in New Hampshire need help in planning, development, etc., which the appropriation is primarily designed to support, at this time. The amendment prevents the modest sum appropriated (\$50,000 for the biennium) from lapsing. Vote 18-1. Rep. William A. Riley for Education.

#### Amendment

Amend section 3 of the bill by replacing it with the following:

3 Appropriation. The sum of \$50,000 is hereby appropriated for the biennium ending June 30, 1989, to the New Hampshire council on the arts for the purposes of funding the New Hampshire arts development program as established by RSA 19-A:13. The sum appropriated shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

HB 334-FN-A, relative to the out-of-state student incentive program and making an appropriation therefor. Ought to Pass.  
Considering the economic benefits that the public and private colleges and universities bring to New Hampshire, and considering the ever decreasing pool of baby boom freshmen which will hit its lowest ebb in the 1990s, and considering the enrollments of both the public and private colleges and universities depend heavily on out-of-state students (35% and 90% respectively), the majority felt strongly that support of out-of-state advertising of these institutions was a necessity. Vote 18-2. Rep. William A. Riley for Education.

Referred to Appropriations.

HB 337-FN-A, establishing an education equalization fund. Re-Refer to Committee.

The sponsor requested this bill be re-referred to Committee. This is a complicated bill and the Committee agreed with the sponsor on a vote of 18-1. Rep. E. Jane Walker for Education.

Rep. Granger spoke to the report.

Report adopted.

HB 125-FN, relative to sunset review of shorthand court reporters. Inexpedient to Legislate.

The Committee felt that there is no need for a statutory basis for the Shorthand Court Reporters Advisory Board. The Chief Justice of the Superior Court, under RSA 331-B, has all the personal authority to administer and regulate the profession in New Hampshire. The Board only advises the Chief Justice. If the Chief Justice wishes to have a Board to advise him, he certainly has the authority to create an ad hoc board. Vote 15-0. Rep. Scott E. Green for Executive Departments and Administration.

Rep. Murphy moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion. Rep. William McCain spoke against the motion. Motion lost. Resolution adopted.

HB 205, providing local government representation on the New Hampshire retirement system board of trustees. Inexpedient to Legislate.

No need has been demonstrated to justify increasing or broadening the New Hampshire Retirement System Board of Trustee representation. Public interest is currently served by the presence of two public members appointed by Governor and Council. Representation on the Board of Trustees from municipal and county government employees is currently possible through State Employees' Association nomination. (The SEA does represent some municipal and county government units). Employer representation is present through the two public members. Vote 16-0. Rep. Bartolo V. Prestipino for Executive Departments and Administration.

Resolution adopted.

HB 292-FN, permitting permanent policemen who serve as field representatives for the police standards and training council and permanent firemen who serve with the fire standards and training commission to continue as group II members of the New Hampshire retirement system. Ought to Pass with Amendment.

This bill permits group II members who take training positions with the Police Standards and Training Council or the Fire Standards and Training Commission to remain in group II. The amendment adds a five-year group II service requirement and also provides that certification as a police officer, correctional officer, or firefighter shall be a job requirement for the training position. Vote 16-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Group II Members. Amend RSA 100-A:3 by inserting after paragraph VIII the following new paragraph:

IX. Any group II member in service who has at least 5 years creditable service as a group II member and who accepts a full-time position with the police standards and training council or with the fire standards and training commission in a training capacity shall continue to be a group II member of the retirement system during service in such position, provided that certification as a police officer or correctional officer by the police standards and training council or as a firefighter by the fire standards and training commission shall be a job requirement for such position.

#### AMENDED ANALYSIS

As amended, this bill permits any group II member in service who has at least 5 years creditable service as a group II member and who accepts a full-time position with the police standards and training council or with the fire standards and training commission in a training capacity to continue to be a group II member of the retirement system during service in such position, so long as certification as a police officer or

correctional officer or as a firefighter is a job requirement for such position.

Amendment adopted.

Referred to Appropriations.

HB 267-FN, relative to a moose season. Re-Refer to Committee. The Majority of the Committee felt that this bill should be referred back to the Committee. The Committee needs time to gather necessary information with the cooperation of the Fish and Game Department to have a proper moose season implemented. Vote 12-3. Rep. Charles L. Felch, Sr. for Fish and Game.

Report adopted.

HB 278-FN, relative to acupuncture. Inexpedient to Legislate. The intent of this bill was to allow persons other than physicians to practice acupuncture. Testimony was overwhelmingly against the bill. The Committee felt, at this time, our constituents requiring this procedure are adequately serviced by physicians in this State. Vote 14-4. Rep. James E. Appleby for Health and Human Services.

Resolution adopted.

HB 290-FN-A, relative to prenatal programs and making an appropriation therefor. Ought to Pass.

All of the testimony that was heard was in favor of this bill. The Committee believes that spending \$400,000 in preventive health maintenance will save the taxpayers millions of dollars in extended care payments. Vote 19-0. Rep. Ann M. Derosier for Health and Human Services.

Referred to Appropriations.

#### SUSPENSION OF RULES

Rep. Alf Jacobson moved that the Rules be so far suspended as to permit consideration at the present time of HR 23, requesting an opinion of the justices concerning the constitutionality of House Bill 70, without referral to committee, printing, public hearing, committee report and notice in the Calendar.

Rep. Alf Jacobson spoke to his motion and yielded to questions.

Rep. Dexter spoke against the motion and yielded to questions.

Reps. Sytek, Chretien, Michael Jones, Thomas Gage and Chambers spoke in favor of the motion.

Reps. Lawrence Chase and Healy spoke against the motion.

Rep. Palumbo spoke in favor of the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 241 NAYS 120

YEAS 241

BELKNAP: Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Maviglio, Pearson, Randall, Thurston, Turner and Wixson.

CARROLL: Allard, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald and Powers.

CHESHIRE: Blacketer, Clark, Daschbach, Delano, Doucette, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Morse, Parker, Perry, Ramsay, William Riley, Sawyer and Schwartz.

COOS: Brady, Harold Burns, Horton, Kilbride, Lemire, Mayhew, Nelson, Oleson and Purrington.

GRAFTON: Adams, Arnesen, Bean, Chambers, Christy, Copenhaver, Crystal, Dearborn, Driscoll, Hammond, Michael King, Wayne King, Lougee, Ezra Mann, Scanlan, Howard Townsend, Wadsworth and Ward.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Baldizar, Bass, Buckley, Burkush, Chretien, Cid, Cote, Cowenhoven, Cusson, Ann Derosier, Drolet, Dube, Ducharme, Dupont, Dwyer, Joseph M. Eaton, Nancy Ford, Ruth Gage, Gelinas, Genest, Scott Green, Grip, Guilbert, Marian Harrington, Holden, Michael Jones, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Kurk, Lefebvre, Levesque, Long, Lown, Lozeau, Magee, Bonnie McCann, McRae, Messier, Moore, Morrissette, Mulligan, Nixon, O'Rourke, Pappas, Paquette, Pariseau, Pignatelli, Reardon, Ellen-Ann Robinson, Routhier, Sallada, Schneiderat, Leonard Smith, Soucy, Steiner, Stonner, Tarpley, Turgeon, Vanderlosk, Wood and Zis.

MERRIMACK: Asplund, Austin, Bardsley, Beaton, Laurent Boucher, Cahill, James Chandler, Fillion, Hager, Douglas Hall, Hayes, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Manus, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Walter Robinson, Gerald Smith, Trombly, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Blanchard, Blanchette, William Boucher, Bucu, Eunice Campbell, Marilyn Campbell, Conroy, Cressy, Cushing, Fesh, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gosselin, Elizabeth Greene, Hollingworth, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Magoon, William F. McCain, McGovern, McKinney, Newell, Palumbo, Parr, Pevear, Popov, Read, Ritzo, Sanderson, Sherburne, Skinner, Sochalski, Sytek, Tufts, Vartanian, Vaughn, Weddle, Woodward and Wright.

STRAFFORD: Bates, Callaghan, Casey, Albert Dionne, Anita Flynn, Edward Flynn, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Martling, William McCann, Parks, Pelley, Francis Robinson, Spear, Ann Torr, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Flint, Krueger, McKee, Normandin, Peyron, Schotanus and Sara Townsend.

#### NAYS 120

BELKNAP: Bolduc, Dexter, Golden, Holbrook, Jensen, Locke and Lawrence Richardson.

CARROLL: Gene Chandler, Saunders and Schofield.

CHESHIRE: Arnott, Cole, Corrigan, Miller, Pierce and David Young.

COOS: Brungot, Coulombe, Frederic Foss, Guay, Marsh and Theriault.

GRAFTON: Blair, LaMott, McAvoy, Rounds, Stewart, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Barbara Arnold, Baker, Beaupre, Boutwell, Bowers, A. Leslie Burns, Cox, Daigle, William Desrosiers, Paul Dionne, Domaingue, Donovan, Durant, Dykstra, Clyde Eaton, Fields, Gagnon, Granger, Hatch, Healy, Humphrey, Korcoulis, Leclerc, Mason, Robert Murphy, Packard, Perham, Prestipino, Price, Reidy, Herbert Richardson, Shriver, Stiles, Ware, Watson, Emma Wheeler, Kenneth Wheeler, Winn and Zajdel.

MERRIMACK: George E. Gordon, Gross, Merton Mann, Doris Riley and Stio.

ROCKINGHAM: Barnes, Benton, Blaisdell, Butler, Carpenito, Lawrence A. Chase, Jr., Cooke, Drake, Ellyson, Felch, Flanagan, Bert Ford, Gourdeau, Haynes, Hoar, Hynes, Robert Johnson, Malcolm, Rosencrantz, Schmidtchen, Seward, Splaine, Tilton, Walker, Warburton, Welch and Wells.

STRAFFORD: Appleby, Bernard, Chamberlin, Dingle, Patricia Foss, Frechette, Koromilas, Lachance, Laurion, Lussier, Proulx, Swope and Wall.

SULLIVAN: D'Amante, Domini, Ingram, Lindblade, Rodeschin and Spaulding, and the motion was adopted by the necessary two-thirds.

#### HOUSE RESOLUTION NO. 23

requesting an opinion of the justices concerning the constitutionality of House Bill 70.

WHEREAS, House Bill 70, an act prohibiting homosexuals from adopting, being foster parents, or running day care centers, has been introduced and is now pending before the house of representatives for consideration; and

WHEREAS, HB 70 prohibits homosexual foster parents from adopting a child; prohibits the granting of a license to be a foster family to any family in which one or more of the adults is homosexual; and prohibits the granting of a license to operate a day care center to any applicant who is a homosexual; and

WHEREAS, HB 70 establishes an irrebuttable presumption that homosexuals are unfit to serve as foster parents, adoptive parents, and to be licensed to operate day care centers; and

WHEREAS, certain questions have arisen concerning the constitutionality of HB 70; now, therefore be it

RESOLVED, by the House of Representatives, that the Justices of the Supreme Court are respectfully requested to give their opinion upon the following questions of law:

1. Does HB 70 violate the equal protection clause of either the United States Constitution or the New Hampshire Constitution?
2. Does HB 70 violate the due process clause of either the United States Constitution or the New Hampshire Constitution?
3. Does HB 70 violate the rights of privacy of either the United States Constitution or the New Hampshire Constitution?
4. Does HB 70 violate the freedom of association under either the United States Constitution or the New Hampshire Constitution?
5. Does HB 70 violate any other provisions of the United States Constitution or the New Hampshire Constitution?

That the clerk of the House of Representatives transmit copies of this resolution and HB 70 to the Justices of the New Hampshire Supreme Court.

Rep. Alf Jacobson moved the adoption of HR 23, requesting an opinion of the justices concerning the constitutionality of House Bill 70, and spoke to his motion.

Adopted.

Ordered to third reading.

#### COMMITTEE REPORTS (cont.)

HB 70, prohibiting homosexuals from adopting, being foster parents, or running day care centers. Majority: Inexpedient to Legislate. Minority: Ought to Pass.



MAJORITY: The argument in support of passing the bill concerned the fear of exposure to a life-style that was seen as non-traditional, perhaps immoral, if not dangerous. The argument in support of Inexpedient to Legislate focused on the lack of evidence, other than opinion, that the group targeted by the bill would necessarily be suspect. Most importantly, there was no evidence offered to demonstrate how the bill would promote the best interest of children, the group to be protected. The Committee, however, understands that any child placing agency should be ready, at any time, to justify a given child's placement, in terms of the "best interests" of that particular child. Vote 11-5. Rep. Stephen N. Cahill for the Majority of Judiciary.

MINORITY: The Minority feels state policy should be direct and clear in prohibiting homosexuals from adopting, being foster parents, or operating day care centers. It is felt that a homosexual environment is not a suitable one for children who, for one reason or another, have come under the responsibility of the State of New Hampshire, either directly or indirectly, for care and oversight. The General Court is forced to take this stand as Health and Human Services policymakers, through their rulemaking function, have failed to do so. The United States Supreme Court in recent rulings has leaned toward allowing states to be discriminate in their laws concerning homosexuality. Reps. Dean Dexter, Daniel J. Healy and Robert E. Murphy for the Minority of Judiciary.

Rep. Alf Jacobson moved that HB 70 be laid upon the table to await the opinion of the Justices.

Adopted.

HB 260-FN-A, providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor. Ought to Pass with Amendment.

The Committee feels that the amendment, adding \$45,000 to last year's appropriated \$45,000, creates a total of \$90,000 which, according to the Department of Transportation testimony, will rebuild the 0.3 mile section of Prescott Road in the Town of Raymond. If the town desires major changes in the road's alignment, the cost of purchasing rights of way shall be borne by the town. Vote 17-0. Rep. Gene G. Chandler for Public Works.

#### Amendment

Amend 1985, 289:1 as inserted by section 1 of the bill by replacing it with the following:

289:1 Appropriation. There is hereby appropriated the sum of [\$45,000] \$90,000 to the department of [public works and highways] transportation for the biennium ending June 30, 1987, for the reconstruction of approximately 0.3 mile of Prescott Road north of route 101 to New Hampshire Route 27, in the town of Raymond. Any right-of-way acquisition shall be [kept within the limits of money available in this appropriation] funded by the town of Raymond. This appropriation shall be nonlapsing and shall be a charge against the highway fund.

#### AMENDED ANALYSIS

This bill, as amended, increases the appropriation to the town of Raymond by \$45,000 for the reconstruction of Prescott Road.

Any right-of-way acquisition expenses shall be borne by the town of Raymond.

Amendment adopted.

Referred to Appropriations.



HB 220-FN, relative to the removal of petroleum powered vehicles from surface waters of the state. Ought to Pass with Amendment.

This bill required the removal of all petroleum-powered vehicles from surface waters of the state.

This bill requires the removal of all petroleum-powered vehicles submerged in the surface waters of the State. Currently, removal is not required, and hence the possibility of contamination exists. Vote 15-0. Reps. John B. Young and Thomas M. Brady for Resources, Recreation and Development.

#### Amendment

Amend RSA 149:8, VII as inserted by section 1 of the bill by replacing it with the following:

VII. (a) The lawful owner of any petroleum powered vehicle that becomes partially or completely submerged in the surface waters of the state shall remove the vehicle from the water as soon as safety and weather conditions permit.

(b) Petroleum powered vehicles include, but are not limited to, cars, trucks, motorcycles, snowmobiles, motorized boats, and airplanes.

(c) The requirement of subparagraph (a) shall apply to vehicles submerged in surface waters, such as vehicles which fell through the ice or skidded off the road.

(d) For any violation of this paragraph, the department of safety shall be notified to investigate and follow through the safe removal of the vehicle from the body of water involved and shall also notify the division of water supply and pollution control to determine if there is any possible contamination.

(e) If the person or persons responsible for a violation of subparagraph (a) refuses or fails to obey the order for removal, the proper authorities may contract for the removal of the vehicle in question and the cost of the removal shall be recoverable by the state in an action of debt brought by the attorney general in the name of the state.

(f) Any person responsible for a violation of subparagraph (a) shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

Amendment adopted.

Ordered to third reading.

HB 373-FN-A, relative to family life education and making an appropriation therefor. Ought to Pass with Amendment.

This bill provides for assistance to local school districts desiring guidance in providing a family life education curriculum. Local control would be maintained through community advisory committees. A full time coordinator for health education, teacher training and resource committee recognizes the need for assistance in this area, as evidenced by overwhelming testimony in support of this concept over the past several months. Vote 18-0. Rep. Karen O. Wadsworth for Education.

#### Amendment

Amend RSA 194-B:3 as inserted by section 1 of the bill by replacing the catchline and introductory paragraph with the following:

194-B:3 Information. The state board of education shall provide to school districts and school administrative units:

Amend RSA 194-B as inserted by section 1 of the bill by inserting after RSA 194-B:7 the following new section:

194-B:8 Teacher Training Program. The department of education shall establish a voluntary teacher training workshop program for the purpose of educating health teachers in conducting family life education programs in their school districts. Such workshop program shall be administered by the health education consultant for the department of education.

Amend the bill by replacing all after section 1 with the following:

2 Resource Materials. The department of education shall purchase additional health education resource materials to be housed at the department of education. The health education consultant shall promote the availability of these resources to educators in the health curriculum throughout the state.

3 Health Education Consultant. The position of health education consultant shall be a full-time position, to be compensated at labor grade 25, 26, or 27, as determined by the division of personnel.

4 Appropriation. The sum of \$68,000 is hereby appropriated for the fiscal year ending June 30, 1988, to the department of education for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1987.

Amendment adopted.

Rep. Granger spoke to the report.

Reps. Wadsworth and Howard Townsend spoke in favor of the report.

Referred to Appropriations.

HB 251-FN-A, repealing the real estate transfer tax. Inexpedient to Legislate.

Inasmuch as this bill would eliminate entirely the State of New Hampshire's number three source of income, which was estimated by the Committee to be \$48 million and reported as such to the full House on February 10th, it was felt, by a vote of 15-1, that it be Inexpedient to Legislate. Rep. Roland A. Sallada for Ways and Means.

Resolution adopted.

HB 126-FN, relative to sunset review of the commission on the status of women. Ought to Pass with Amendment.

The Committee feels that the Commission on the Status of Women has done a difficult job very well in the course of its existence and that it ought to continue. The amendment to the bill addresses the legitimate complaints about the matter of the annual report. Vote 14-0. Rep. Scott E. Green for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to sunset review of the commission on the status of women and making certain changes relative to the commission.

Amend the bill by replacing all after the enacting clause with the following:

1 Sunset; Commission on the Status of Women Renewed. The commission on the status of women, PAU 020621 (formerly PAU 020628), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

2 Effect of Later Enactments. Passage of this act renewing the commission on the status of women shall not limit any subsequent legislative action affecting this agency or program. The general court shall retain its full power to make amendments to or to terminate the commission on the status of women, pursuant to RSA 17-G:9.

3 Officers. RSA 19-B:3 is repealed and reenacted to read as follows: 19-B:3 Officers. The members of the commission shall annually choose among themselves the chairman, vice-chairman, secretary, and treasurer of the commission.

4 Report. Amend RSA 19-B:6 to read as follows:

19-B:6. Report. The commission shall submit an annual report of its activities [to the labor commissioner and] to the governor and council and the secretary of state. Said report may include any recommendations it may approve for legislation.

5 Records. Amend RSA 19-B:8 to read as follows:

19-B:8 Records. The commission [may] shall file and keep its records in space and facilities made available for such purposes in the offices of the [department of labor] secretary of state by the [commissioner thereof] secretary of state.

6 Administrative Attachment. Amend RSA 19-B by inserting after section 8 the following new section:

19-B:9 Administratively Attached. The commission shall be administratively attached to the office of the secretary of state.

7 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill, as amended, renews the commission on the status of women for 6 years. It provides that the officers of the commission shall be selected annually by the members of the commission, rather than by governor and council. The requirement that the commission submit its annual report to the labor commissioner is deleted and the commission is required to submit its annual report to the secretary of state. This bill, as amended, administratively attaches the commission to the office of the secretary of state and provides that the commission shall file its records in the office of the secretary of state.

Amendment adopted.

Ordered to third reading.

HB 374-FN-A, permitting the operation of on-line video poker machines at certain facilities and making an appropriation therefor. Re-Refer to Committee.

The Committee felt that the request by the Sweepstakes Commission for study of the long range impact of this legislation was warranted. Based upon the testimony heard by the Committee, which raised a number of pros and cons, it was felt that a Subcommittee's investigation before next session would be most helpful. Vote 15-0. Rep. Thomas A. Behrens for Regulated Revenues.

Reps. Nancy Ford, Rounds, Phelps and D'Amante spoke to the report. Report adopted.

HB 104-FN, relative to sunset review of the office of state planning. Ought to Pass with Amendment.

The Committee approved renewal of the Office of State Planning under the Sunset Law, as amended. The amendment addresses the recommendations of the Sunset staff which includes consolidation and clarification of the responsibilities of the Office of State Planning, grants management, technical assistance and data management. Rulemaking is made consistent with the statute and new responsibilities of the Office of State Planning in regional and municipal assistance are established. Vote 13-0. Reps. Elizabeth S. Bardsley and Janet M. Conroy for Resources, Recreation and Development.

#### Amendment

Amend section 1 of the bill by replacing it with the following:

1 Sunset; Office of State Planning Renewed. The office of state planning, PAU 01030103 (formerly PAU 010306), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 New Chapter; Office of State Planning. Amend RSA by inserting after chapter 4-B the following new chapter:

#### CHAPTER 4-C OFFICE OF STATE PLANNING

##### 4-C:1 Establishment; General Duties and Responsibilities.

I. There is established the office of state planning within the office of the governor. The office of state planning shall be under the supervision and direction of the governor or his designee. The governor's designee shall be known as the director of the office of state planning.

##### II. The office of state planning shall:

- (a) Plan for the orderly development of the state and the wise management of the state's resources.
- (b) Compile, analyze, and disseminate data, information, and research services as necessary to advance the welfare of the state.
- (c) Encourage and assist planning, growth management, and development activities of cities and towns and groups of cities and towns.
- (d) Encourage the coordination and correlation of state planning by agencies of state government.
- (e) Participate in interstate, regional, and national planning efforts.
- (f) Administer federal and state grant-in-aid programs assigned to the office by statute or executive order.
- (g) Perform such other duties as the governor may assign.

##### 4-C:2 State Development Plan.

I. The office of state planning, under the direction of the governor, shall:

- (a) Assist the governor in preparing, publishing, and revising the comprehensive development plan required under RSA 9-A.
- (b) Develop and maintain a technical data base of information to support statewide policy development and planning.
- (c) Coordinate and monitor the planning efforts of various state agencies and departments to ensure that program plans published by such agencies are consistent with the policies and priorities established in the comprehensive development plan.

II. In preparing the state development plan, the office of state planning shall consult with the chief executive officers of the various

departments and agencies of state government with responsibilities which are relevant to economic development. The office may also consult with officials of regional planning commissions and regional and local planning and development agencies and representatives of business and industry.

III. All state agencies and departments shall provide the office of state planning with information and assistance as required by the office to fulfill its responsibilities under RSA 4-C:2, I. The office shall maintain the confidentiality of any information which is protected by law.

4-C:3 Data and Information Services. The office of state planning shall:

I. Gather, tabulate, and periodically publish information on the location and pace of development throughout the state, including, but not limited to, population, housing, and building permit data.

II. Initiate data coordination procedures as the state agency responsible for coordinating data collection and dissemination among the state, the private sector, and the various political subdivisions.

III. Gather information for storage in a data bank concerning the data which is currently available within all state agencies. This data shall be used to provide information which is useful in measuring growth and its impact and for statewide planning purposes in general. The data available for dissemination shall include, but shall not be limited to, information for determining future demands for state services and demographic and economic statistics. Any other state agency or department which initiates a data collection program shall inform the office of state planning of its efforts so that the office may utilize that information for planning purposes in its dissemination program.

IV. Cooperate with the division of waste management in identifying potential sites for hazardous waste facilities.

V. Develop and maintain a computerized geographic information system in support of state, regional, or local planning and management activities.

VI. Cooperate with the Bureau of the Census and other federal agencies with the objective of improving access to the statistical products, data, and information of the federal government.

VII. Annually estimate the resident population for all cities and towns of the state pursuant to RSA 78-A:25.

4-C:4 Administrator of Federal-State Financial Information.

I. It is the intent of the general court that the position of administrator of federal-state financial information be created in the office of state planning to inventory and monitor the use of federal funds in New Hampshire. The general court intends that the executive and legislative branches of state government shall be aware of all federal funds received and used in New Hampshire.

II. There is established in the office of state planning a classified position to be known as federal-state financial information administrator. The duties of the administrator shall include, but not be limited to, the following:

(a) To maintain a data base, to which the general court shall have access, concerning all federal funds available to all state departments, municipalities, and other agencies within the state.

(b) To report on all such federal funds coming into the state of New Hampshire, whether to public or private agencies, to the director of the office of state planning who shall report to the executive and legislative branches semiannually in a written report submitted to the governor, the president of the senate, and the speaker of the house.

(c) To administer an intergovernmental review process pursuant to federal executive order 12,372 and any subsequent relevant federal directives.

(d) To undertake related duties as assigned by the director of the office of state planning.



4-C:5 Rulemaking Authority. The director of the office of state planning shall adopt rules, under RSA 541-A:

I. Establishing procedures for grant programs administered by the office. These rules shall be adopted for all federal or state grant programs administered by the office in which the office has authority to establish requirements or procedures or interpret federal requirements and state statutes. These rules shall include, as appropriate:

- (a) Application or grant distribution procedures.
- (b) Criteria and procedures for evaluating applications.
- (c) Procedures for administration of funds by grantees.
- (d) Monitoring and report procedures.
- (e) Appeal procedures for parties dissatisfied with grant

decisions.

II. As provided by RSA 4-C:16, I(a).

4-C:6 Coordination.

I. The office of state planning shall formulate policies and plans for consideration by the governor which serve to integrate and coordinate resource and development activities affecting more than one state agency, level of government or governmental function. Such activities may include, but shall not be limited to, the following subject areas:

- (a) Water resources.
- (b) Transportation.
- (c) Recreation and natural resources.
- (d) Solid waste and hazardous waste management.
- (e) Off-shore, coastal, and estuarine resources.
- (f) Housing.
- (g) Economic development.
- (h) Energy.

II. The director of the office of state planning or his designee shall promote coordination of state agency planning and management activities through participation in the deliberations of the following statutory bodies:

- (a) Council on resources and development as established in RSA 162-C:1;
- (b) Water supply and pollution control council as established in RSA 21-0:7;
- (c) Wetlands board as established in RSA 483-A:1-c;
- (d) Bulk power supply facility site evaluation committee as established in RSA 162-F:3;
- (e) Energy facility evaluation committee as established in RSA 162-H:3;
- (f) Agricultural lands preservation committee as established in RSA 432:19.

#### Regional and Municipal Assistance

4-C:7 Program Established. The director shall establish a program of regional and municipal assistance within the office of state planning. This program shall coordinate state, regional, and local planning efforts with the goal of assuring delivery of efficient and effective assistance to local governments in areas related to growth management and resource protection.

4-C:8 Responsibilities for Assistance. The office of state planning shall:

I. Provide technical assistance and, within the limits of biennial legislative appropriations, financial grants to regional planning commissions established under RSA 36:45 et seq. in support of:

- (a) Planning assistance to local units of government.
- (b) Preparation of regional plans.



(c) Contributions to and coordination with state-wide planning and management activities, including the formulation and updating of the comprehensive state development plan prepared pursuant to RSA 4-C:2.

II. As requested and in cooperation with regional planning commissions, provide technical assistance and information in support of the planning and growth management efforts of local units of government, including training requested under RSA 673:3-a. The office shall encourage municipalities to first seek assistance from established regional planning commissions.

4-C:9 Coordination at State Level. The office of state planning shall coordinate efforts by state agencies to provide technical assistance to municipal governments in areas related to growth management and resource protection.

4-C:10 Contact Point. The office of state planning shall serve as the state's point of contact for local and regional officials seeking assistance from the state on growth management and resource protection matters.

#### Community Development Block Grants

4-C:11 Definitions. In this subdivision:

I. "Agency" means the New Hampshire office of state planning.

II. "Chief executive officer" means the chief executive of the municipality, whether the official designation is mayor, city manager, chairman of the board of selectmen, or otherwise.

III. "Committee" means the community development advisory committee.

IV. "Director" means the director of the agency.

V. "Entitlement municipality" means a municipality entitled to receive funds directly from the United States Department of Housing and Urban Development under Title I, section 106(b) of the federal act.

VI. "Federal act" means Title I of the Housing and Community Act of 1974, as amended, 42 U.S.C. section 5301 et seq.

VII. "Governing body" means, in the case of a city, the city council or the board of aldermen or, in the case of a town, the board of selectmen.

VIII. "Grantee" means a municipality that receives a grant under the provisions of this subdivision.

IX. "Municipality" means a city or a town. It also means a "non-entitlement area" as defined in Title I, section 102(a)(7) of the federal act.

4-C:12 Program Goals. In allocating funds under the community development block grant program, the agency shall give priority to activities that:

I. Benefit low and moderate income households.

II. Aid in the prevention or elimination of slum or blight.

III. Aid in the prevention or elimination of conditions which pose a serious or immediate threat to the health and welfare of the community where no other financial resources exist to meet such needs.

4-C:13 Eligible Activities. A wide range of community development activities shall be eligible for funding. These may include, but are not limited to:

I. The acquisition, rehabilitation, or expansion of housing.

II. The creation, expansion, or retention of employment through the stimulation of private investment and community revitalization.

III. The installation, rehabilitation, or replacement of public facilities.

IV. Activities that test the feasibility of innovative approaches to community development.

V. Activities that provide timely responses to unpredictable circumstances or special development opportunities.

4-C:14 Grant of Powers to Municipalities.

I. All municipalities not designated as entitlement municipalities under the federal act are authorized to apply with the agency for funds and are granted such additional authority and power, essential and incidental, as may be necessary for the administration of this program.

II. Prior to filing an application under this subdivision, a municipality shall:

(a) Through action by the governing body adopt or pass an official act or resolution authorizing the filing of the application and directing the chief executive officer or designee to act in connection with the application and to provide such information as may be required.

(b) Hold at least one public hearing to obtain the views of citizens on community development, to furnish the citizens with information concerning the amount of funds available and the range of community development activities that may be undertaken under this subdivision and to give affected citizens an opportunity to examine a proposed statement to the projected use of such funds to be applied for. A notice of the hearing shall specify the grounds for the hearing as well as the date, time, and place. This notice of the hearing shall be published in a newspaper of general circulation in the municipality, and a legal notice shall also be posted in at least 3 public places within such municipality at least 10 days prior to the hearing. The 10 days shall not include the day of publication or the day of posting, whichever is later, nor the day of the hearing, but shall include any Saturdays, Sundays, and legal holidays within the period. This hearing shall be held before the municipality's governing body takes any final action regarding the filing of the application.

(c) The chief executive officer shall certify that the municipality will comply with the provisions of this subdivision and with other applicable federal and state laws and rules as may be determined by the agency and the federal government.

4-C:15 The New Hampshire Community Development Advisory Committee.

I. There is established the community development advisory committee which shall be provided staff and administrative assistance by the agency.

II. The committee shall consist of 9 voting members as follows:

(a) The director of the office of state planning or his designee who shall serve as chairman of the committee.

(b) The director of the division of economic development, department of resources and economic development, or his designee.

(c) The executive director of the New Hampshire housing finance authority or his designee.

(d) Six public members, at least 3 of whom shall be municipal officials, who shall be appointed by and serve at the pleasure of the governor.

III. The 6 public members shall be paid their actual expenses incurred in performing their duties under this subdivision and shall be paid mileage at the same rate as state employees.

IV. A majority of the members of the committee shall constitute a quorum.

V. No person who receives a significant portion of his income directly or indirectly from the community development activities governed by this subdivision shall be a member of the committee.

VI. The committee shall advise the director in the development of rules for administering this subdivision and developing criteria for the allocation of funds provided under the federal act.

#### 4-C:16 Duties of the Director.

1. The director, with the consent of the committee and with the approval of the governor, shall:

- (a) Adopt rules, pursuant to RSA 541-A, relative to:
  - (1) The application process.
  - (2) Criteria and procedures for evaluating applications submitted by eligible municipalities.
  - (3) Procedures for the administration of program activities and funds by grantees.
  - (4) Procedures for monitoring grantees and for hearings.
- (b) Make final awards of grants and enter into contractual relationships with grantees for administering funds.

II. The director shall provide advice and assistance to municipalities in dealing with community development concerns and problems.

III. The director is authorized to accept federal funds to administer the small cities community development block grant program in accordance with the provisions of this subdivision.

#### 4-C:17 Procedures for Administration.

1. All funds allocated to the state under the federal act, except for an amount not exceeding the maximum allowable under the federal act available to the state for administrative costs, shall be allocated to eligible municipalities.

II. All municipalities shall be eligible to apply for and receive funds under this subdivision except for entitlement municipalities.

III. The allocation system shall be competitive and shall provide the opportunity for any eligible municipality to compete for funding for community development projects.

IV. The agency shall solicit applications from eligible municipalities. Any eligible municipality desiring to receive funds under this subdivision shall complete and submit an application in accordance with the rules adopted under RSA 4-C:16, I(a).

V. The director shall evaluate the relative merits of the applications based on the rules, criteria and procedures adopted under RSA 4-C:16.

#### 4-C:18 Remedies for Noncompliance.

I. If the director finds, after reasonable notice and opportunity for hearing, that a grantee under this subdivision has failed to comply substantially with the provisions of this subdivision, the rules adopted under this subdivision, or applicable provisions of federal law, the director, until he is satisfied that there is no longer any such failure to comply, may:

- (a) Terminate payments to the grantee under this subdivision; or
- (b) Limit the availability of payments under this subdivision under such conditions as he may establish.

II. In lieu of, or in addition to, any action authorized in paragraph I, the director may refer the matter to the attorney general of the state of New Hampshire with a recommendation that an appropriate civil action be instituted.

#### Water Protection Assistance Program

4-C:19 Establishment and Purpose. There is established within the office of state planning, hereafter referred to as the office, the water protection assistance program. The purpose of the program is to encourage and assist municipalities individually and, where appropriate, collectively to evaluate their water resources and to develop local and regional measures for the protection of both ground and surface water.

The program shall recognize the interdependency of municipalities which lie within a common watershed and shall facilitate cooperative planning for the management and protection of common water resources. By providing a range of technical assistance, the program shall help municipalities to exercise powers within their jurisdictions, including, but not limited to, land use regulation, to enhance water protection measures, and to ensure the continued availability of this resource.

4-C:20 Program Administration.

I. The office shall develop criteria for water protection and suggested model language to guide municipalities in the development of local water resource management and protection plans as provided in RSA 674:2, VIII, and other appropriate protection measures. Such criteria and model language shall be prepared by the office with the assistance of appropriate state and other experts and shall reflect the experience of regional planning commissions and councils, hereinafter referred to as regional planning agencies.

II. The program shall be implemented by the office primarily through the established regional planning agencies. Other technical services and advice, including that available from the university system of New Hampshire, may also be utilized. The program shall be coordinated with plans and programs of other state agencies, especially those of the division of water supply and pollution control, the division of water resources, the wetlands board, and the division of waste management, hereinafter referred to collectively as the water agencies, and with activities of the county conservation districts. The office may authorize regional planning agencies to perform specific phases of the administration of this subdivision, especially the collaboration with municipalities.

4-C:21 Technical Assistance.

I. The office may employ necessary personnel to coordinate the municipal technical assistance program with state and regional planning agencies. The technical assistance program shall rely to a significant extent on the regional planning agencies, which shall work directly with all municipalities within their jurisdiction to accomplish the objectives of this subdivision.

II. The office, using criteria and programs developed under RSA 4-C:20, shall meet with and provide guidance to the regional planning agencies. These agencies shall then work with local municipalities to enable the municipalities to incorporate appropriate water protection measures in their master plans and municipal codes. The regional planning agencies shall provide progress reports as required by the office.

4-C:22 Local Water Resources Management and Protection Plans.

I. Through participation in the water protection assistance program, each municipality shall be encouraged to prepare, adopt and include in its master plan a local water resources management and protection plan, hereafter referred to as the local water plan, which is consistent with the criteria established by the office under RSA 4-C:20. Prior to adoption by a municipality, the local water plan shall be submitted to the office for verification that the plan is consistent with the established criteria. In accordance with recommended procedures for effective master planning which call for continuing evaluation, and in accordance with the provisions of RSA 674:2, the local water plan shall be reviewed and updated from time to time as changed conditions and new information justify. Revisions to the local water plan shall be submitted to the office, prior to adoption, for review and comment regarding consistency with the office's established criteria.

II. Municipalities shall be encouraged to strengthen the effectiveness of their local water plans by adopting ordinances and taking other appropriate measures to ensure implementation of water protection measures consistent with their plans. Assistance shall be available through the program to advise municipalities on such appropriate measures.



III. If a municipality determines there is an immediate need to develop or amend subdivision or site plan review regulations in the manner provided by RSA 675:6 or to prevent deterioration of a critical water resource through a zoning ordinance or amendment in the manner provided by RSA 674:23, II, it may adopt such temporary measures for protection of water resources. Such measures shall be valid as provided in RSA 674:23, III.

4 Director of the Office of State Planning. Amend RSA 21-0:7, I(b)(4) to read as follows:

(4) the director of the office of state planning; and

5 Council on Resources and Development; Composition. RSA 162-C:1 as repealed and reenacted to read as follows:

162-C:1 Council Established. There is established a council on resources and development which shall include the following members:

I. The director of the office of state planning who shall serve as chairman of the council.

II. The commissioner, department of resources and economic development.

III. The commissioner, department of environmental services.

IV. The commissioner, department of agriculture.

V. The executive director, fish and game department.

VI. The commissioner, department of safety.

VII. The director of civil defense.

VIII. The director, division of public health services.

IX. The commissioner, department of education.

6 Council on Resources and Development; Responsibilities. Amend RSA 162-C:2, I to read as follows:

I. Consult upon common problems in the [field] fields of environmental protection, natural resources, and [their development] growth management;

7 Council on Resources and Development; Responsibilities. Amend RSA 162-C:2, V to read as follows:

V. Resolve differences or conflicts concerning [water management and supply] development or resource management which result from the work of any agency represented on the council in developing [a plan or program affecting water allocation] policies, plans, or programs. The council shall investigate; if possible, resolve the problem; and if appropriate, submit its recommendations to the governor and council or to the general court. If investigation by the council shows that the laws and rules of an agency represented on the council are in conflict with those of another agency, the council shall submit a report with recommendations to the governor and council or to the general court;

8 Council on Resources and Development; Meetings. RSA 162-C:4 is repealed and reenacted to read as follows:

162-C:4 Meetings. The council shall meet at least once every 3 months, but may meet more often as it shall determine. The chairman shall prepare and deliver an agenda to all members at least 7 days in advance of each meeting.

9 Positions Changed. The 3 non-classified positions currently assigned to the community development block grant program included in the operating budget for fiscal years 1988 and 1989 for the office of state planning are established as permanent principal planner positions.

10 Report; State Growth Management and Resource Protection Activities. To more efficiently coordinate state growth management and resource protection activities, the office of state planning shall:

I. Prepare an inventory, description and analysis of the technical assistance activities presently conducted by state agencies in support of local growth management and resource protection for presentation to the governor and legislature.

II. In consultation with the governor and appropriate legislative committees, prepare a strategy and action plan for improving the delivery of technical assistance to municipal governments and regional agencies. The strategy shall include priorities for improvements, recommend ways such services can be made more effective or efficient, and identify areas where additional assistance may be needed. The strategy and action plan shall be presented to the governor and legislature not later than December 1, 1988.

III. Monitor the progress of the action plan and the overall effectiveness of state agency assistance and submit a report to the governor, the president of the senate, and the speaker of the house on the results of such monitoring and an update of the strategy and action plan by December 1, 1990.

11 Repeal. RSA 4:12-d through 4:12-v, relative to the office of state planning, are repealed.

12 Effective Date. This act shall take effect upon its passage.

I. Sections 1-8, 10, and 11 shall take effect upon passage.

II. Section 9 shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill, as amended, renews the office of state planning for 6 years. It also recodifies current law concerning the office of state planning in a separate chapter in the RSA.

The bill gives the office of state planning new duties relating to the coordination and assistance of regional and local growth management and planning as well as duties relating to the management of the state's resources. It establishes a program of regional and municipal financial and technical assistance for growth management and resource protection.

The bill requires the office of state planning to review current state assistance to regional and local governments on growth management and resource protection, and recommend steps to improve the efficiency and effectiveness of those efforts by December 1, 1988.

The bill grants the office of state planning rulemaking authority relative to federal and state grant programs administered by the office. The bill also reconstitutes the council on resources and development, decreasing the membership from 15 to 9, and gives the office additional responsibilities in the areas of environmental protection, growth management, and development and resource management.

The bill makes 3 positions in the office of state planning into permanent principal planner positions and transfers funds to pay their salaries.

The bill repeals the present statutes relative to the duties and responsibilities of the office of state planning.

Amendment adopted.

Rep. Bardsley offered an amendment.

#### Amendment

Amend RSA 162-C:1 as inserted by section 5 of the bill by inserting after paragraph IX the following new paragraph:

X. The commissioner, department of transportation.

The Clerk read the amendment.

Rep. Bardsley explained the amendment.

Amendment adopted.

Ordered to third reading.



## VACATES

Rep. Irvin Gordon moved that the House vacate the reference of HB 660, relative to information services at highway rest areas and appropriating fees for these services, and HB 574, requiring all commercial and private boats to be under the federal boat numbering system, to the Committee on Transportation.

Adopted.

The Speaker referred HB 660 and HB 574 to the Committee on Resources, Recreation and Development.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 5 at 1:00 p.m.

Adopted.

## LATE SESSION

## Third reading and final passage

HB 269-FN-A, relative to the appropriation for motor vehicle replacement.

HB 204-FN, requiring supervisors of the checklist in the New England states to be notified when a voter is added to a checklist in New Hampshire.

HB 11, relative to the number of library trustees.

HB 106-FN, relative to sunset review of board of claims.

HB 111-FN, relative to sunset review of the board of accountancy.

HB 115-FN, relative to sunset review of regulation of electricians.

HB 116-FN, relative to sunset review of funeral directors and embalmers board.

HB 126-FN, relative to sunset review of the commission on the status of women and making certain changes relative to the commission.

HB 161-FN, relative to sunset review of the board of barbering and cosmetology.

HB 277-FN, continuing the task force to study mental health services.

HB 123-FN, relative to sunset review of public employee labor relations board.

HB 434, relative to the public employee labor relations board.

HB 104-FN, relative to sunset review of the office of state planning.

HB 171-FN, relative to sunset review of the New England interstate water pollution control commission.

HB 184, relative to docking on public waters of the state.

HB 192-FN-A, establishing a program of regional and municipal assistance in the office of state planning.

HB 225, relative to stream reclassification of certain waters of the state.

HB 280, relative to water usage.

HB 306, limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River Pond in the town of Wakefield.

HB 220-FN, relative to the removal of petroleum powered vehicles from surface waters of the state.

HR 23, requesting an opinion of the justices concerning the constitutionality of House Bill 70.

Rep. Palumbo moved that the House stand in recess.  
Adopted.  
The House recessed at 2:55 p.m.

RECESS

(Speaker in the Chair)

Rep. Palumbo moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 10

*Thursday, 5Mar87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

God of all righteousness and truth, instill in us the desire to serve those who turn to us as leaders in the making of laws for our people.

There are times we can be swept away by the process, and can no longer see the lives which are affected by our deliberations and decisions.

There are moments when we become enchanted by the powers and pressures which are exerted here, and forget that we are more to be servants than masters.

Grant, O Source of Wisdom, that we may never forget the reasons we are here...on this earth, in this nation, this state, this community, and this chamber. Amen.

Rep. Emma Wheeler led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Manus, Schwaner, Boisvert, Eleanor Anderson, Nagel, Mace and Proulx, the day, illness.

Reps. Pignatelli, Cusson, Simon, Hammond, Burkush, D'Amante, Corrigan, Wagner, Blacketor, Pantelakos, William Dion, Gerard Desrosiers, Champagne, Lionel Boucher, Olimpio, Bourque, McIntire, Carl Anderson, Scott, Musler, Frew, Durant, LaMott, O'Rourke, Gelinas and Rounds, the day, important business.

Reps. Doucette, Joseph MacDonald and Laurion, the day, illness in the family.

## INTRODUCTION OF GUESTS

Belinda Kennard, Eric Holton, Tom Rodinis and their teacher, Jane Murray, guests of Rep. Ellen-Ann Robinson; Liza McCain, daughter of Rep. William McCain; Chad Derosier, son of Rep. Ann Derosier; William Tobin, guest of Rep. Clyde Eaton; Sylvia Jones, wife of Rep. Robert Jones.

## SENATE MESSAGES CONCURRENCE

HB 55, relative to the insanity defense and committal orders.

## REQUESTS CONCURRENCE

SB 34, relative to the advisory budget control committee and the fiscal committee.

SB 76, relative to records management and archives.

SB 92, relative to special elections for city and ward officers.

SB 100, relative to exemption from regulation of the design, construction, and alteration of certain small structures.

SB 106, relative to the responsibilities of the commissioner of safety.

SCR 2, applying to the Congress of the United States to call a convention to propose an amendment to protect the lives of the unborn.

SB 25, establishing that human life begins at conception.

SB 80, amending the statutory speed limit on certain highways of the state.

SB 97-FN, establishing a study committee relative to the feasibility of one-way tolls on part of the turnpike system.

SB 66, relative to the office of reimbursements.

SB 24, prohibiting abortions in the second and third trimester of pregnancy.

#### REQUESTS CONCURRENCE WITH AMENDMENTS

HB 149-FN, relative to the sunset review of Laconia state school and training center. (Amendment printed SJ 3/3)

Rep. Parker moved that the House concur.  
Adopted.

HB 148-FN, relative to sunset review of Glencliff home for the elderly. (Amendment printed SJ 3/3)

Rep. Parker moved that the House concur.  
Adopted.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 311-A, relative to the rehabilitation of the Westminster bridge on Routes 12 and 123 in the town of Walpole and making an appropriation therefor, was removed at the request of Rep. Miller.

HB 365-FN-A, relative to a motor vehicle excise tax system, was removed at the request of Rep. Hayes.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 26-FN-A, making an appropriation for the New Hampshire bicentennial commission on the United States Constitution. Ought to Pass with Amendment.

The Committee expressed its convictions that an appropriate program to recognize New Hampshire's major role in the adoption of the United States Constitution would require \$150,000. The Bicentennial Commission Chairman stated that the costs of planned units in the eighteen month celebration could easily exceed this amount. Fund raising can reduce the need for State funds and this source will be pursued. However, it was recognized that full funding must be assured before plans can be completed and agreements with other participants can be finalized. Vote 20-0. Rep. Russell C. Chase for Appropriations.

#### BICENTENNIAL COMMISSION CHAIRMAN REPORT

The Chairman of the Commission reported that existing and on-going programs include:

After the Revolution--

1. Building a Nation - Building a State--This is a traveling display including a series of lectures by recognized historians.

2. The development of a Speaker's Bureau and the promotion of its use.

Note: The development and use of #1 and #2 are a joint venture of the Commission and the New Hampshire Council on the Humanities.

3. Commemorative medals, documents and stamps.

4. A Program encouraging all New Hampshire Communities to become "Bicentennial Communities" and develop local celebrations.

Major items requiring sizeable appropriations include:

1. The Magna Carta visit to New Hampshire in mid-July. This requires State Police escorting, guarding and crowd control during the week if it will be on exhibit in five New Hampshire communities. Additional assistance in aiding the viewers will be needed. Emergency fire protection requires attention.

2. Preliminary plans to recognize September 17. On this date the Constitution was completed and turned over to Congress in 1787. It will be celebrated nationwide as the Birth Date of the Constitution. Plans call for a Concord meeting with addresses and musical entertainment in the P.M. This will be followed by a train ride to the Weirs at Winnepesaukee for those wishing to travel this way. The train will be scheduled to arrive during the evening. Fireworks over the Lake will complete the celebration. It is anticipated that many others will join to make a large viewing crowd both on shore and in boats. The train would return the travelers to Concord.

3. The major event will take place on July 21, 1988, the Bicentennial of New Hampshire's "Ninth and Deciding" vote which established the Constitution as the basic law of the new country.

This is planned to take place in Concord. A parade in which the communities will be invited to participate, with bands and floats, will be the morning feature.

The evening will involve a multifaceted entertainment in the State House complex of grounds and buildings. Included will be displays, music food and drink and a "Costume Ball" with dancing exhibitions.

This elaborate celebration will be financed by a generous donation from a major brokerage firm and the use of the Commission funds. These monies are expected to cover the costs of the affair.

A charge will be levied on all attending and the money so raised will be used to underwrite a lasting project for the State. A committee is presently researching potential uses of this income.

4. A report in book form recording the above exercises will require a major use of funds. Every effort to finance this with private donations will be made.

5. The accomplishment of the above will require people, promotion and advertising, office space and equipment. Presently much of this is supplied by the Legislature. As the major events approach more of the management functions and staff will be required.

#### Amendment

Amend RSA 299:5 as inserted by section 1 of the bill by replacing it with the following:

299:5 Appropriation. The sum of \$20,000 is hereby appropriated to the New Hampshire bicentennial commission on the United States Constitution established by this act and 1981 senate concurrent resolution 2, for the fiscal year ending June 30, 1985 and the sum of \$150,000 is hereby appropriated to such commission for the fiscal year ending June 30, 1987, for the purposes of enabling the commission to prepare an appropriate commemoration of this historic event. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. The appropriations shall be deposited in a separate nonlapsing fund to be known as the United States Constitution bicentennial commission fund which shall be administered by the office of legislative accounting. In addition to the \$20,000 and \$150,000 appropriations, all moneys received under section 2, II of this act are also appropriated to the commission for the purposes of this act. The appropriations shall not lapse on June 30, 1985 or on June 30, 1987. The commission may expend moneys from the fund for its purposes through the fiscal year ending on June 30, 1988. Any moneys remaining in the fund on June 30, 1988, shall not lapse and shall be deposited in the historical fund established by RSA 177:4-b.

HBI 2007, to study the disparity between insurance allowances and health care costs. Re-Refer to Committee.

After many hearings, the Committee felt that the disparity between medicare and supplemental insurance allowances, and health care costs is very important to study further, as well as promoting new legislation next session pertaining to educational programs. Vote 16-0. Rep. A. Leslie Burns for Commerce, Small Business and Consumer Affairs.

HB 350-FN-A, relative to costs for educationally handicapped students and making an appropriation therefor. Ought to Pass with Amendment.

An appropriation of \$5,000,000 for each year of the biennium is made to fund the catastrophic costs of special education for school districts. This is intended to fund 80% of costs above \$9,000 per student incurred by school districts on meeting its obligation for these children. Vote 17-0. Rep. Charles B. Yeaton for Education.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

making an appropriation for catastrophic aid.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sum of \$5,000,000 is hereby appropriated for the fiscal year ending June 30, 1988, and a like sum for the fiscal year



ending June 30, 1989, to the state board of education for the purpose of assisting school districts in meeting catastrophic costs in their special education programs. These sums are in addition to any other sums appropriated for this purpose. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill appropriates \$5,000,000 for the fiscal year ending June 30, 1988, and \$5,000,000 for the fiscal year ending June 30, 1989, to the state board of education for meeting catastrophic costs in special education programs.

Referred to Appropriations.

HB 324-FN-A, establishing a state land use and development plan and making an appropriation therefor. Re-Refer to Committee.

House Bill 324 is a broad land use bill based in large part on Vermont's Act 250. It contains measures, including increased state involvement in land use management, that have brought much opposition in the past. Despite this, and because of the increasing impacts of growth on the state, the Committee would like time to see if there are some aspects of growth that our present system of local planning mechanisms and the new Department of Environmental Services are not designed to address. Vote 18-0. Rep. Barbara B. Bowler for Environment and Agriculture.

HB 364-FN-A, establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation therefor. Ought to Pass with Amendment. The amended bill is simpler than the original. It establishes a new program in a field of great concern to many people. It will allow the Air Resources Division to develop an emissions inventory of toxic air pollutants which are hazardous to human life, and start a program to develop rules to control these contaminants. Vote 13-0. Rep. Mary J. Shriver for Environment and Agriculture.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter. Amend RSA by inserting after chapter 125-H the following new chapter:

#### CHAPTER 125-I AIR TOXIC CONTROL ACT

125-I:1 Purpose. It is declared to be the public policy of the state of New Hampshire and the purpose of this chapter to promote the public health of the state by reducing the risks from exposure to toxic chemicals by controlling the releases of toxic chemicals into the ambient air.

125-I:2 Definitions.

I. "Council" means the air resources council established pursuant to RSA 21-0:11.

II. "Division" means the division of air resources established pursuant to RSA 21-0:10.

III. "Toxic air pollutant" means all air contaminants occurring in the ambient air at levels which may result in acute carcinogenic, teratogenic, or mutagenic health effects.

125-I:3 Air Toxic Control Program; Duties.

I. The division shall:

(a) Develop a comprehensive emission inventory of the type and amount of toxic air pollutants released into the ambient air which could result in serious acute and chronic exposures threatening human life and health.

(b) Develop a program minimizing public exposure to toxic air pollutants by evaluating the air quality impacts associated with the release of toxic air contaminants.

(c) Establish a statewide permit system for sources which release toxic air contaminants into the ambient air.

(d) Develop a program to monitor toxic air pollutants in the ambient air.

II. The director of the division shall, in consultation with the council, adopt rules, pursuant to RSA 541-A, relative to the prevention, control, abatement, and limitation of air toxic pollutant emissions.

III. Normal agricultural operations and the application of pesticides regulated pursuant to RSA 430:28 through 48 shall be exempt from the provisions of this chapter. 2 Appropriation. The sum of \$75,000 for the fiscal year ending June 30, 1988, and the sum of \$75,000 for the fiscal year ending June 30, 1989, are appropriated to the division of air resources for the purposes of section 1 of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill was requested by the division of air resources, department of environmental services.

This bill establishes an air toxic control program within the division of air resources. This program allows the division of air resources to develop guidelines and programs designed to reduce risks from exposure to toxic chemicals by controlling the releases of toxic chemicals into the ambient air.

The bill, as amended, appropriates \$75,000 for the fiscal year ending June 30, 1988, and the sum of \$75,000 for the fiscal year ending June 30, 1989, to the division of air resources for the purpose of this act.

Referred to Appropriations.

HB 679-FN, relative to buyers of farm products. Ought to Pass with Amendment.

This bill responds to a federal directive the states developed on indexing system within the Secretary of State's Office which will assist the farmers, the banks, and the buyers of New Hampshire farm products. Vote 12-0. Rep. Bonnie L. McCann for Environment and Agriculture.

#### Amendment

Amend section 1 of the bill by replacing it with the following:

1 New Subsections; Security Interests; Buyers of Farm Products. Amend RSA 382-A:9-307 by inserting after subsection (3) the following new subsections:

(4) A secured party may enforce a security interest in farm products against a buyer who, in the ordinary course of business, purchases farm products from, or a commission merchant or selling agent who, in the ordinary course of business, sells farm products for a person engaged in farming operations only where the buyer, commission merchant or selling agent has received from the secured party or seller written notice of the security interest which complies with the requirements of Section 1324 of the Food Security Act of 1985, as amended, or where the secured party has signed and filed with the secretary of state a form containing the following information:

- (a) The name and address of the borrower.
- (b) The borrower's signature.
- (c) The name and address of the secured party.
- (d) The social security number of the borrower, or in the case of a borrower doing business other than as an individual, the borrower's Internal Revenue Service taxpayer identification number.
- (e) A description of the farm products subject to the security interest, including the amount of such products, where applicable.
- (f) A reasonable description of the real estate, including the name of the county, where the farm products are located.

(5) The form described in subsection (4) shall be amended in writing, and similarly signed and filed, to reflect material changes within 3 months of such changes. The effectiveness and continuation of the form is to be treated as if it were a financing statement. The fee for filing, indexing and furnishing filing data for the form described in subsection (4) for an original, a continuation statement or any amendment thereof shall be in accordance with the fees established pursuant to RSA 478:17-g.

Amend RSA 382-A:9-407(4) as inserted by section 2 of the bill by replacing it with the following:

(4) The secretary of state shall maintain a list of all buyers of farm products, commission merchants, and selling agents who register with the secretary of state indicating an interest in receiving the lists described in subsection (5). The fee for such registration shall be \$100 annually.

Amend section 3 of the bill by replacing it with the following:

3 Effective Date. This act shall take effect September 1, 1987.

#### AMENDED ANALYSIS

This bill directs the secretary of state to develop and implement a central indexing system within his office, where secured parties may register certain information relative to their security interest in farm products. Only secured parties who register with the secretary of state may enforce security interests in farm products against buyers in the ordinary course of business and against certain sellers. This bill, as amended, provides for a filing fee with the register of deeds and an annual registration fee of \$100 with the secretary of state.

Referred to Appropriations.

HJR 1, relative to the New Hampshire agricultural experiment station. Ought to Pass.

This resolution recognizes the achievements and advances in agriculture developed at the New Hampshire Agricultural Experiment Station in Durham. Technical benefits for the station's work have

been enjoyed by the citizens of the State, as well as by the agricultural and forestry industries. Vote 15-0. Rep. Rick A. Trombly for Environment and Agriculture.

HB 392, relative to donated sick leave within the department of postsecondary vocational-technical education. Inexpedient to Legislate. The sponsor of this bill stated that the problem could be handled in a different manner and that the bill was not needed at this time. Vote 12-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

HB 700-FN, permitting group II members who reach age 65 to make an election for retirement benefits. Ought to Pass.

This bill corrects what appears to be a drafting oversight in 1979 legislation that deleted a compulsory age 65 retirement provision and neglected to permit voluntary retirement under the same conditions. Vote 18-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

Referred to Appropriations.

HB 279-FN, creating a board of examiners in ophthalmic dispensing. Re-Refer to Committee.

The Joint Subcommittee from Health and Human Services and Executive Departments and Administration found the issue of regulating opticians had enough merit to warrant further study. Both Committees had too many bills in too short a time to adequately address the points raised at the public hearing. Vote 20-0. Rep. Marion L. Copenhaver for Health and Human Services.

HB 344-FN-A, relative to the probate courts, the salaries of probate judges, and making an appropriation therefor. Inexpedient to Legislate. The Committee recommends Inexpedient to Legislate by a vote of 13-0 since the subject matter is covered by other bills which the Committee will report out. Rep. Francis E. Robinson for Judiciary.

HB 583-FN, relative to the compensation of probate judges. Inexpedient to Legislate.

The Committee voted 13-0 to report this bill as Inexpedient to Legislate because the subject matter is covered in other legislation. Rep. Francis E. Robinson for Judiciary.

HB 711-FN, relative to the probate courts. Re-Refer to Committee. The Committee recommends that this bill be re-referred to Committee. The matter of providing adequate court service to members of the public who are seeking divorces is complicated and deserves more time than has been available to the Committee. Rep. Francis E. Robinson for Judiciary.

HB 17, relative to building codes in municipalities. Re-Refer to Committee.

The Committee feels that the purposes of this bill are worthy, but the procedural aspects need to be worked out so they are consistent with existing legislation. Vote 15-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 20, exempting poles, masts, and towers which support antennas from regulation by zoning ordinance. Inexpedient to Legislate. The bulk of the testimony on this bill was strong opposition. Reasons cited were that it would subvert local planning and zoning authority

and the type of control a municipality should have. The amendment eliminated most of the offending provisions, but resulted in reiteration of authority already vested in cities and towns. Vote 16-0. Rep. Roger C. King for Municipal and County Government.

HB 29, relative to the fee paid to a shelter for unlicensed or stray dogs seized by local officials. Ought to Pass with Amendment.

This bill will allow the governing body of a town and city to establish necessary and reasonable fees as agreed upon between them and the animal shelter for each day the dog is kept. This provision will also apply to unlicensed dogs kept by humane societies. Vote 16-0. Rep. George M. West for Municipal and County Government.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to fees paid to municipal shelters  
or humane society facilities for unlicensed  
dogs held there.

Amend the bill by replacing all after the enacting clause with following:

1 Fees for Unlicensed or Stray Dogs. Amend RSA 466:14 to read as follows:

466:14 Warrants; Proceedings. The mayor of each city and the selectmen of each town shall annually, within 10 days from June 1, issue a warrant to one or more police officers or constables, directing them to [proceed forthwith] either [to] collect the fees due and pay them [over] to their respective town or city clerk, or seize any unlicensed dog [may be seized] and [held] hold it in a town or city holding facility for a period of 7 days, after which time full title to [said] the dog shall pass to [said] the facility, unless the owner of [said] the dog has, before the expiration of [said] the period, caused [said] the dog to be licensed. [and] The owner shall pay [said] the facility [the sum of \$5 per day] a necessary and reasonable sum per day, as agreed upon by the governing body of the town or city and the shelter, for each day [said] the dog has been kept and maintained by [said] the shelter, plus any necessary veterinary fees incurred by [said] the facility for the benefit of [said] the dog.

2 Fees for Unregistered Dogs in Humane Society. Amend RSA 466:18-a to read as follows:

466:18-a Title to [Unregistered] Unlicensed Dogs in Humane Societies. Whenever an incorporated society for the prevention of cruelty to animals shall keep and maintain for 7 consecutive days an unlicensed dog whose owner is unknown, full title to [said] the unlicensed dog shall pass to [said] the society at the end of [said] the 7 day period, unless the owner of [said] the dog shall, before the expiration of [said] the period, cause [said] the dog to be licensed and shall pay [said] the society [the sum of \$5] a necessary and reasonable fee per day for each day [said] the dog has been kept and maintained by [said] the society, plus any necessary veterinary fees incurred by [said] the society for the benefit of [said] the dog.

3 Effective Date. This act shall take effect 60 days after its passage.



## AMENDED ANALYSIS

This bill, as amended, authorizes a shelter to charge the owner of an unlicensed or stray dog a necessary and reasonable sum as agreed upon by the governing body of the town or city and the shelter, for each day the dog is held in the shelter. The bill also authorizes the same procedure for humane societies. This fee replaces the current sum of \$5 per day.

This bill also rewrites the section in clear and understandable language.

HB 84-FN, relative to the veterans' exemption. Inexpedient to Legislate.

The purpose of this bill was to provide the \$50 property tax exemption to qualified veterans who served in the armed forces during the time of the Lebanese peacekeeping force and the Granadian rescue mission. While the Committee recognizes that the nature of warfare has changed and we might expect tasks and small conflicts such as these in the future; the Committee is also concerned that passage of this bill would be conducive to a situation whereby significant numbers of persons serving in the armed forces during the time of such contingencies, would be eligible for the exemption. The one representative of the New Hampshire veterans who testified gave only conditional support to the bill and was not able to provide statistics needed for evaluation of the bill's potential impact. Vote 16-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 215-FN, relative to certain expenses for laying out a highway at the request of a petitioner. Ought to Pass with Amendment.

This action relieves towns from expense to be incurred when petitioner request to layout a highway or reopening existing highway subject to gates and bars, and requires title search, and notices to abutters and landowners. Vote 15-0. Rep. Paul A. Golden for Municipal and County Government.

## Amendment

Amend RSA 231:10-a as inserted by section 1 of the bill by replacing it with the following:

231:10-a Expenses Paid by Petitioner. All expenses in connection with any title search and notice to abutters and landowners required under this subdivision shall be borne by the petitioner requesting the reopening of an existing highway which has been subject to gates and bars.

HB 232-FN, relative to the homestead exemption for disabled veterans. Ought to Pass with Amendment.

It was the unanimous decision of the Committee that the amendment clarified language of RSA 72:36-a to grant disability to disabled servicemen qualifying as double amputee. Vote 16-0. Rep. Paul A. Golden for Municipal and County Government.

## Amendment

Amend the bill by replacing section 1 with the following:

1 Disabilities Expanded. Amend RSA 72:36-a to read as follows:  
72:36-a Certain Disabled Servicemen. If any person, who shall be discharged from military service of the United States under conditions other than dishonorable, shall be totally and permanently disabled from service connection and satisfactory proof of such service connection is



furnished to the assessors and who is a double amputee [or] of the upper or lower extremities or any combination thereof, paraplegic, or has blindness of both eyes with visual acuity of 5/200 or less as the result of service connection and who owns a specially adapted homestead which has been acquired with the assistance of the Veterans Administration or which has been acquired using proceeds from the sale of any previous homestead which was acquired with the assistance of the Veterans Administration, he, or his surviving spouse, until such time as such surviving spouse remarries, shall be exempt from all taxation on said homestead.

#### AMENDED ANALYSIS

As amended, this bill expands the disabilities a serviceman may have in order to qualify for the homestead exemption to include double amputees of the upper or lower extremities or any combination thereof, and veterans who are blind in both eyes with a visual acuity of 5/200 or less.

HB 380, relative to inclusion of roadways in manufactured housing parks in the definition of a "way." Inexpedient to Legislate.

The Committee felt that there was no need for this legislation.

Mobile park owners and local law enforcement agencies can now accomplish this by mutual agreement. Vote 14-0. Rep. Leona Dykstra for Municipal and County Government.

HB 458-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations. Ought to Pass with Amendment.

This bill provides that after court costs are deducted, district and municipal courts will pay fines collected for violations of municipal ordinances to the municipality whose ordinance was violated. All testimony was in favor. Vote 14-0. Rep. Richard A. Grodin for Municipal and County Government.

#### Amendment

Amend RSA 502-A:8 as inserted by section 2 of the bill by replacing it with the following:

502-A:8 Duties of Clerks; Disposition of Fines. The clerk shall receive all fines and forfeitures paid into the district court from any source. After deducting witness fees, court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court, the clerk shall, except in cases otherwise provided, pay the same over to the [state comptroller] commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days. After deduction of expenses enumerated above, fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or regulations, except those adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or VIII; and RSA 105:6-7; shall be remitted within 14 days to the treasurer of the municipality prosecuting said violations, for the use of the municipality. All expenses related to the processing of parking violations and the administrative collection of parking fines shall be the responsibility of the local unit of government, and all fines [so] collected shall be retained in their entirety by the local unit of government.

HB 580-FN, relative to the semi-annual payment and collection of taxes. Inexpedient to Legislate.

The majority of the testimony was opposed to the bill. It is improperly drawn, granting power to the tax collector which by other statutes they do not possess. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

HB 718, clarifying certain planning and zoning statutes. Ought to Pass.

This bill is a housekeeping measure to clear up ambiguous language in 4 different areas of planning and zoning statutes, and clarify proper provisions of the RSA. Vote 14-0. Rep. Paul A. Golden for Municipal and County Government.

HB 206-FN-A, to establish a state disaster assistance fund. Inexpedient to Legislate.

The Committee feels it both unwise and unnecessary to set aside a 5 million dollar "disaster fund" to cope with the possibility of a disaster, inasmuch as the statutes already provide a quick source of funds in the event of a "civil emergency." RSA 9:13-d "Civil Emergency" provides the Governor and Council the means to react to a civil emergency and to promptly provide the necessary funds. Additionally, HB 106 allows one individual, the Director of Civil Defense, to administer and disburse a fund of \$5 million without legislative, fiscal or executive oversight; also, the bill is silent on whether funds disbursed are an outright gift, or a loan, or matching funds. Vote 12-0. Rep. David A. Welch for Public Protection and Veterans Affairs.

HB 308-FN-A, establishing a fire standards and training commission fund. Inexpedient to Legislate.

The Committee is well aware of the desires and efforts of the New Hampshire Fire Standards and Training Commission to provide the maximum training to the New Hampshire Fire Services. However, the Committee is of the opinion that the use of "dedicated funds," such as a percentage of the funds collected by the Commissioner of Insurance, is not in keeping with the general policy of funding state agencies through the budgetary process. It should be noted that the Governor's proposed operating budget for FY 1988/1989 totals \$493,755, which is a 100% increase over the funds for the previous biennium. Vote 10-0. Rep. Alfred Ellyson for Public Protection and Veterans Affairs.

HB 438, relative to applicants for armed security guard and armed private detective licenses. Ought to Pass.

The Director of State Police, responsible for screening and licensing of security guards and private detectives, has determined that it is both unnecessary and unduly expensive to require a "fingerprint check" for applicants who will serve in "unarmed positions." The Director feels that there is sufficient protection afforded by screening "unarmed applicants" with a computer check to the "National Crime Information Center," and by an "instate records check." The cost of the "unarmed license" is \$5.00 to the applicant, while a license for an armed guard, detective, etc. is \$25.00, which includes an FBI fingerprint check. Vote 10-0. Rep. Roland A. Morrisette for Public Protection and Veterans Affairs.

HB 601-FN, relative to the salary of the director of the police standards and training council. Ought to Pass.

This bill elevates the Director of the Police Standards and Training Council to the same level as the presidents to the six New Hampshire Vocational-Technical Colleges, and in effect, the Police Academy becomes the 7th college in the Vocational-Technical system. Vote 12-0. Rep. Eleanor M. Anderson for Public Protection and Veterans Affairs.

Referred to Appropriations.

HB 609-FN, relative to the New Hampshire National Guard. Ought to Pass.

The bill makes minor changes in the National Guard statutes pertaining to military justice procedures and in discrimination against members of the National Guard. Vote 9-0. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.

HB 286-A, relative to the construction of a Route 102 bypass from the town of Londonderry to the town of Raymond and making an appropriation therefor. Inexpedient to Legislate.

The Committee felt that this bill should be reported Inexpedient to Legislate at this time, as the money for this type of study is not presently available, and if the bill were passed it would have an adverse effect on not only the ten-year plan, but other projects as well. Vote 15-0. Rep. Gene G. Chandler for Public Works.

HB 310-A, relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor. Re-Refer to Committee.

The Committee feels that until all new bills dealing with new highway construction are presented, it should not pass any legislation which might affect the integrity of the ten-year highway plan. A Subcommittee has been appointed to deal with some problem areas of HB 310-A and the Committee can deal with this and other similar bills next session, and establish a priority list of projects, either fitting within the ten-year plan or creating an extension of same. Vote 17-0. Rep. Chris Jacobson for Public Works.

HB 313-A, relative to resurfacing of Route 3-A and reconstruction of sections of Route 3-A in the towns of Hudson, Litchfield and the city of Manchester and making an appropriation therefor. Re-Refer to Committee.

The Committee feels that until all new bills dealing with new highway construction are presented, it should not pass any legislation which might affect the integrity of the ten-year highway plan. Also, study of the impact of the construction of the Nashua-Hudson circumferential highway on Route 3-A traffic in the area is deemed appropriate before any final decision on this bill can be made. A Subcommittee has been appointed to deal with new highway construction requests and to establish a priority list of projects, either fitting within the ten-year plan or being disposed of in some other fashion. Vote 17-0. Rep. Chris Jacobson for Public Works.

HB 327-A, relative to funding for a pulp and paper technology program at the New Hampshire vocational-technical college at Berlin. Ought to Pass with Amendment.

The pulp and paper industry has indicated the great need for skilled workers in their business. Because of the technical changes in their operation, this program is vital to the welfare of the North Country and the State of New Hampshire. This Committee feels this program should be put into place. Vote 18-1. Rep. Dennis J. Kilbride for Public Works.

#### Amendment

Amend the bill by replacing all after section 1 with the following:

2 Net Amount. The amount appropriated from the general fund in section 1 of this act shall be reduced by the donation of \$115,400 from private sources. The total amount appropriated from the general fund thus becomes \$334,600.

3 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 495, relative to the sweepstakes commission. Inexpedient to Legislate.

The Committee felt that this bill would unduly tie the hands of the Sweepstakes Commission as the other states in the Tri-State Pact have this authority. Vote 14-0. Rep. Betsy McKinney for Regulated Revenues.

HB 619-FN, raising lucky 7 ticket prices. Inexpedient to Legislate.

The Committee found no overwhelming reason to increase the prices. The affected organizations did not appear at all, so the Committee found no reason to double the Lucky 7 prices. Vote 13-0. Rep. Robert Fesh for Regulated Revenues.

HB 698-FN, requiring accessible polling places and voting booths for physically disabled and elderly persons. Ought to Pass.

The Committee believes there is an overwhelming feeling that this bill is very much overdue and wishes to endorse it herewith. Vote 13-0. Rep. Robert F. Delano for Regulated Revenues.

HB 721-FN, relative to the sweepstakes commission and lucky 7 tickets. Inexpedient to Legislate.

The sponsor requested that the bill be reported Inexpedient to Legislate as it did not address his concerns. Vote 14-0. Rep. Peter M. Simon for Regulated Revenues.

HB 240-FN, relative to septic inspections on waterfront properties. Ought to Pass with Amendment.

House Bill 240, as amended, provides that on site waste disposal systems (septic) which are or are proposed to be subject to increased loading from more intensive use of the corresponding building shall be examined for adequacy or increased in capacity to cope with the situation. Also, the bill provides that septic systems of waterfront properties proposed for sale shall be inspected and that a report of the same shall be made available to the prospective buyer. These new requirements will be administered by the Water Supply and Pollution Control Division which will prepare appropriate regulations. Vote 16-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to septic inspections on waterfront properties and  
relative to creating 3 new positions within the division  
of water supply and pollution control and  
making an appropriation therefor.

Amend RSA 149-E:3-c, 3-d, and 3-e as inserted by section 3 of the bill by replacing them with the following:

149-E:3-c Approval to Increase Load on System.

1. The division of water supply and pollution control shall adopt rules under RSA 541-A requiring a person to comply with the provisions of paragraph II before taking any action which will increase the load on a private sewage disposal system.



II. Prior to expanding, extending, or intensifying the use of an existing structure which would increase the load on an individual or private sewage disposal system, including an increase in duration of occupancy, the owner shall submit an application for approval of the sewage disposal system to the division of water supply and pollution control. Application for such approval shall include one of the following:

(a) Evidence that the existing sewage disposal system meets the requirements of the division of water supply and pollution control for the intended use, or the town's minimum standards for use or occupancy prescribed under RSA 48-A:11, whichever is more stringent; or

(b) The design for a new system which meets the requirements of the division of water supply and pollution control for the intended use, or the town's minimum standards for use or occupancy, whichever is more stringent.

149-E:3-d Increased Load on Sewage Disposal System. The division of water supply and pollution control shall determine, in accordance with rules adopted under RSA 541-A, when expansion, extension, or intensification of use has taken place so as to cause an increased load on the sewage disposal system. Such determination may include a survey and inventory of the use of dwellings and the carrying capacity of the land served by the sewage disposal system.

149-E:3-e Waterfront Property Sale; Inventory and Report.

I. Prior to offering for sale any waterfront property utilizing a sewage disposal system, the owner of the property shall determine that such system is fully operational by engaging a licensed septic system designer to undertake a study of the sewage disposal system and submit a written report on the system to the owner. Waterfront property is property located within 200 feet of the shoreline of a great pond. The division of water supply and pollution control shall adopt rules, under RSA 541-A, relative to standards for the report, which shall include, but not be limited to, a plan of the system showing the location of the system in relation to adjacent drinking water wells and surface waters, the presale use of the property, including number of bedrooms, past occupancy and water use fixtures. The report shall evaluate to the extent possible the adequacy of the system for its current use, and the reasonable uses of the current system to assure its continued adequate operation. The report shall contain an examination of the on-site conditions of the waterfront property to evaluate its capacity to accommodate a sewage disposal system which meets the requirements of the division of water supply and pollution control for the current use of the property or the town's minimum standards for use, whichever is more stringent.

II. The report shall be submitted to the division of water supply and pollution control for evaluation.

III. The report shall be available for inspection, during normal division of water supply and pollution control business hours, and a copy of the report shall be furnished to prospective purchasers upon request. It shall be the duty of the property owner or authorized agent to notify prospective purchasers of the existence and availability of the report. The existence and availability of the report shall be noted in the deed for the property recorded at the appropriate registry of deeds.

4 Positions Established. Three additional permanent environmentalist III positions are hereby established within the division of water supply and pollution control, department of environmental services.

5 Appropriation. The sum of \$93,607 for the fiscal year ending June 30, 1988, and the sum of \$96,105 for the fiscal year ending June 30, 1989, are hereby appropriated to the division of water supply and pollution control for the purposes of this act. Such funds shall be in addition to any other appropriations to the division of water supply and pollution control, department of environmental services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect January 1, 1988.

#### AMENDED ANALYSIS

This bill provides for the inspection of septic systems of waterfront properties within 200 feet of any pond of 10 or more acres in size in the state.

The property owner must, prior to offering waterfront property for sale, have his sewage disposal system inspected by a septic system designer to determine if any discharge is possibly polluting the public waters or the drinking water system. This inspection is to be made at the property owner's expense.

The bill as amended authorizes the division of water supply and pollution control to add 3 new positions to administer this program, and appropriates \$93,607 for fiscal year 1988 and \$96,105 for fiscal year 1989 for the purposes of the bill.

#### Referred to Appropriations.

HB 249-FN, relative to the shore frontage and acreage at the Laconia state school and training center. Ought to Pass.

House Bill 249 requires that the State retain 200 acres more or less on Lake Winnisquam of the Laconia State School. This bill insures that this land will remain a recreational area and not be developed. All testimony supported this bill. Vote 15-0. Rep. Wayne Spear, Jr. for Resources, Recreation and Development.

HB 250-FN-A, making an appropriation to the Conway village fire district. Ought to Pass with Amendment.

House Bill 250 recommends that funds be granted to the Conway Village Fire District by the Appropriations Committee for the purposes of expansion of a sewer treatment plant, lagoon systems and interceptors. Vote 17-0. Rep. Charles L. Vaughn for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

making an appropriation to the Conway village fire district  
and relative to funding waste water treatment systems.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Policy. The general court finds that there shall be established a state policy for funding of waste water treatment systems in cities and towns and other subdivisions of municipal government under the following conditions:

I. That construction on the project started prior to 1973.

II. That a major portion of the project has been completed in good faith and in compliance with agreements made with state and federal agencies.

III. That state and federal funds for construction have been terminated prior to completion of the agreed upon project.

IV. That the project was moved from the priority list to the extended list maintained by the division of water supply and pollution control.



V. That the deadline for final completion of such projects falls on a date prior to the date that funding from state and federal sources can be anticipated.

2 Conway Village Fire District. The sum of \$1,280,000 for the fiscal year ending June 30, 1988, is hereby appropriated to the Conway village fire district for the purposes of sewer treatment plant expansion, lagoon system expansion, and for interceptors. This appropriation shall be used to complete the treatment ability of the federal and state-funded sewage system begun in 1979. This appropriation shall be in addition to any other funds appropriated or allocated to the district by the state for water pollution control. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill appropriates \$1,280,000 for the fiscal year ending June 30, 1988, to the Conway village fire district for the purposes of sewer treatment plant expansion, lagoon system expansion, and for interceptors. This appropriation will be used to complete the treatment ability of the federal and state-funded sewage system begun in 1979, now that federal funding for the project has ended.

As amended, the bill also encourages the establishment of a state policy through a statement of purpose relative to funding waste water treatment systems in certain cities and towns and other governmental subdivisions.

Referred to Appropriations.

HB 336-FN-A, requiring permits for projects affecting the water quality of the surface waters or groundwaters of the state and making an appropriation therefor. Ought to Pass with Amendment.

House Bill 336, as amended, provides for a broad rule for the Water Supply and Pollution Control Division to cope with the larger scale disturbances to the terrain. A fee system is instituted to help defray the cost of the increasing costs which will be borne by the developer of such terrain. Certain obsolete rules of RSA 149:8-a have been removed with the knowledge that such are adequately administered by other agencies. Additionally, the Commissioner of Environmental Services is given power to assess administrative fines for violation of RSA 149 and RSA 149-E. Vote 17-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

requiring permits for projects affecting the water quality of the surface waters or groundwaters of the state and making an appropriation therefor and providing for administrative fines for septic system violations.

Amend the bill by replacing all after the enacting clause with the following:

1 Water Quality Impact Plans; Permit Fees. RSA 149:8-a is repealed and reenacted to read as follows:

149:8-a Water Quality Impact Plans; Rulemaking; Permit Fees.

I. Any person proposing to undertake any project which will cause or threaten to cause a violation of the duly adopted classification for adjacent surface waters of the state or which will cause or threaten to cause contamination of the groundwaters of the state shall submit, at least 30 days in advance of undertaking any such activity, detailed plans concerning the activity with the division of water supply and pollution control. In addition, no person shall significantly alter terrain characteristics in such a manner as to impede the natural runoff or create an unnatural runoff so that surface water quality may be significantly impaired without submitting appropriate plans with the division of water supply and pollution control at least 30 days in advance of the planned activity and securing a permit from the division of water supply and pollution control for such terrain alteration. No project involving any of the activities described in this section shall be undertaken unless the person proposing the project has received a permit from the division of water supply and pollution control, or 30 days have elapsed since such person filed a completed permit application for the project on which the division has not taken final action.

II. The division of water supply and pollution control shall establish the terms and conditions under which any permit issued under this section may be exercised. The director of the division shall adopt rules, under RSA 541-A, relative to the efficient administration of this section and the purposes of this chapter.

III. The division shall charge a permit fee for the review of plans and project inspections as required under this section. The fee shall be based upon the amount of contiguous area to be disturbed. The fee for a 100,000 to 200,000 square foot area shall be \$100, and the fee for each additional 100,000 square foot increment or portion of such area disturbed shall be an additional \$100. If a plan is submitted which involves less than 100,000 square feet of disturbance, but which requires the same level of review as a plan involving over 100,000 square feet of disturbance, the permit fee shall be \$100. No permit shall be issued under paragraph I until the fee required by this paragraph, if any, is paid. All fees required by this paragraph shall be paid at the time said plans are submitted and shall be deposited with the state treasurer as unrestricted revenue.

IV. Normal agricultural and forest products harvesting operations shall be exempt from the provisions of this section. The division is authorized to exempt other state agencies from the permit and fee provisions of this section provided that each such agency has incorporated appropriate protective practices in its projects which are substantially equivalent to the requirements established by the division under this chapter.

V. Nothing contained in this section shall be construed to modify or limit the duties and authority of the division of water resources under RSA 482 or RSA 483.

2 New Paragraph; Administrative Fines. Amend RSA 149:19 by inserting after paragraph IV the following new paragraph:

V. The commissioner of environmental services, with the advice of the water supply and pollution control council and after notice and hearing, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the division in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

3 New Paragraph; Administrative Fines. Amend RSA 149-E:7 by inserting after paragraph IV the following new paragraph:

V. The commissioner of environmental services, with the advice of the water supply and pollution control council and after notice and hearing, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the division in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

4 New Positions. The department of environmental services is authorized to establish the following additional permanent positions in the division of water supply and pollution control: one civil engineer V, one environmentalist IV, and one environmentalist III.

5 Appropriation. There is appropriated the sum of \$112,297 for fiscal year 1988 and \$114,897 for fiscal year 1989 for the purposes of this act. These funds shall be in addition to any other appropriations to the division of water supply and pollution control. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill requires persons undertaking any project which threatens to violate the stream classification of any surface waters of the state, or to contaminate any groundwaters of the state to submit plans to, and obtain a permit for such activity from, the division of water supply and pollution control. Fees are set for reviewing plans under this law to be based on the amount of land to be disturbed. Normal agricultural and forest products harvesting operations are exempt from these requirements, and state agency activities may be exempted from the required fees and permits if such agencies' protective practices are substantially equivalent to the chapter's requirements.

The bill authorizes the commissioner of environmental services, with the advice of the water supply and pollution control council, to levy administrative fines not to exceed \$2,000 for violations of the water pollution or sewage disposal system statutes.

The division of water supply and pollution control is authorized to establish 3 new permanent positions and the director is required to adopt rules to administer the permit program.

The sums of \$112,297 for fiscal year 1988 and \$114,897 for fiscal year 1989 are appropriated for purposes of the act.

Referred to Appropriations.

HB 378, relative to boating on Iona Lake in the town of Albany and Middle Pea Porridge Pond in the town of Madison and Big Pea Porridge Pond in the towns of Madison and Conway. Inexpedient to Legislate.

House Bill 3/8, introduced at the request of three constituents living near the listed lake and ponds, seeks to set aside legislation

approved in the 1985 session. The vast majority of testifying witnesses opposed this bill which would reverse the 10 horsepower restriction. Vote 15-0. Rep. Charles L. Vaughn for Resources, Recreation and Development.

HB 382, relative to boating law enforcement. Ought to Pass with Amendment.

This bill greatly strengthens the hands of Safety Services in handling boating violations. It also resolves a conflict between Safety Services and Federal Aeronautics Association concerning aircraft traveling under step speed, they are to be considered as boats. Vote 15-0. Reps. Blair Richardson and Douglas R. Woodward for Resources, Recreation and Development.

#### Amendment

Amend RSA 270:12-b, I, introductory subparagraph, and I(a) as inserted by section 1 of the bill by replacing it with the following:

I. No person, while operating or otherwise in charge of a vessel, raft, or float of any kind, type, or character or an amphibian or pontoon aircraft under step speed shall:

(a) Knowingly refuse, when requested by a peace officer or agent of the director, to give his name, address, and date of birth, and the name and address of the owner of the vessel, raft, float or amphibian or pontoon aircraft of any kind, type, or character;

Amend RSA 270:12-b, I(e)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) direct said amphibian or pontoon aircraft, vessel, raft, or float to shore or to any dock, wharf, or mooring designated by said officer or agent;

HCR 7, relative to the priority of employee claims in Chapter 11 bankruptcy proceedings. Ought to Pass.

The Committee supports federal legislation giving employees a higher priority status in recovering previously earned wages in Chapter 11 of bankruptcy proceedings. Vote 12-0. Rep. Beverly A. Gage for State-Federal Relations.

HR 15, requesting the New Hampshire delegation to introduce legislation in Congress forbidding importation of radioactive waste material into Hampton-Seabrook harbor. Ought to Pass with Amendment.

This resolution asks our Congressional delegation to introduce federal legislation to forbid importation of spent radioactive fuel into the State of New Hampshire. Vote 11-0. Rep. Mary P. Chambers for State-Federal Relations.

#### Amendment

Amend the resolution by replacing the title with the following:

#### A RESOLUTION

requesting the New Hampshire delegation to introduce legislation in Congress forbidding importation of radioactive waste material into the state of New Hampshire.

Amend the resolution by replacing the second and third paragraphs after the title with the following:

Whereas, the Nuclear Waste Policy Act of 1982 authorizes the federal government to find a site to store, temporarily or permanently, high level radioactive waste, including the spent fuel rods from nuclear reactors; and,

Whereas, there has been evidence that the state of New Hampshire has been, and may still be, considered as the host site for either interim or long range storage or both; now, therefore, be it

Amend the resolution by replacing all after the resolving clause with the following:

That the House of Representatives, in the interests of the future of the state of New Hampshire and New Hampshire citizens in general, respectfully request the New Hampshire congressional delegation to introduce legislation in the next legislative session to forbid importation of spent radioactive fuel into the state of New Hampshire, including the town of Seabrook; and

That copies of this resolution, signed by the speaker of the house be forwarded by the clerk of the house to the New Hampshire congressional delegation.

#### AMENDED ANALYSIS

This house resolution, as amended, urges the New Hampshire congressional delegation to introduce legislation into the Congress forbidding importation of radioactive waste material into the state of New Hampshire.

Rep. Sytek abstained from voting under Rule 16.

HB 273-FN-A, relative to congregate services programs and making an appropriation therefor. Ought to Pass with Amendment.

This bill establishes a pilot program to provide congregate services for elderly and incapacitated adults. The amendment is for documentation on the program in order to aid in statewide implementation of similar services. Vote 12-0. Rep. Karen K. McRae for State Institutions and Housing.

#### Amendment

Amend RSA 126-A:89 as inserted by section 2 of the bill by replacing it with the following:

126-A:89 Review. On or before December 1 of each year, the director shall submit a report on the program with recommendation for improvement to the legislature. The qualified services provider shall keep accurate and detailed records of activities involved in the development and implementing of the congregate service programs.

Referred to Appropriations.

HB 294-FN-A, exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park. Ought to Pass with Amendment.

This bill gives tenants' organizations (as defined by the bill to be a group that represents 60% or more of the manufactured home owners in a park) a limited right of first refusal to match a bona fide offer to purchase their manufactured housing park. HB 294 reflects a great deal of work, some substantial compromise and an attempt to deal with the problems of a unique rental population - those that rent the land upon which they place their manufactured housing units. Vote 8-2. Rep. Deborah L. Arnesen for State Institutions and Housing.



## Amendment

Amend RSA 78-B:2, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. To a transfer of title of a manufactured housing park from a manufactured housing park owner to a tenants' association registered with the department of justice under RSA 205-A:25 which represents 60 percent or more of the manufactured homes in the park. For the purposes of this paragraph, "manufactured housing" means manufactured housing as defined in RSA 205-A:1, I, and "manufactured housing park" means a manufactured housing park as defined in RSA 205-A:1, II.

Amend RSA 205-A:21, I(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Of the price, terms and conditions of an acceptable offer he has received to sell the park or the price, terms and conditions for which he intends to sell the park.

Amend RSA 205-A:26, I as inserted by section 3 of the bill by replacing it with the following:

I. A park owner may, as shall be appropriate under the circumstances, record in the registry of deeds of the county in which the park is located an affidavit in which the park owner certifies that:

(a) He has complied with the requirements of RSA 205-A:21 and 22.

(1) The notice required by RSA 205-A:21;

(2) Postal receipts showing compliance with RSA 205-A:22.

(b) Notwithstanding the park owner's compliance with the provisions of RSA 205-A:21 and 22, no contract has been executed for the sale of such park between the park owner and the tenants' association.

(c) The sale or transfer of the park is exempted from this chapter pursuant to RSA 205-A:23.

(d) The owner has received no notice that a tenants' association has been formed in compliance with the terms of RSA 205-A:25, I(e) and II.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill exempts the transfer of title of a manufactured housing park from the park owner to a tenants' association from payment of the real estate transfer tax.

In order to exercise their right to purchase a manufactured housing park, the tenants must form an association consisting of no less than 60 percent of the adult members of households in the park.

As amended, the bill prohibits a manufactured housing park owner from selling a manufactured housing park without first notifying the officers of a tenants' association that the park is for sale, the price, terms, and conditions for which the park will be sold, and that the tenants' association has the right to purchase the park, provided that the association executes a purchase and sale agreement which meets the price, terms, and conditions of the manufactured housing park owner within 60 days from the date of the mailing of the notice.



HB 297-A, relative to the purchase of outstanding shares of stock of the Northern Railroad and making an appropriation therefor. Re-Refer to Committee.

Much more information is needed and time is not available to secure it, at this time. The Committee feels that the request in the bill deserves attention and needs further study. Vote 13-0. Rep. A. Donald Thurston for Transportation.

HB 282-FN-A, relative to an exemption from the road toll. Inexpedient to Legislate.

The substance of this bill can be covered by adding it to similar regulations already existing through the rulemaking process. The sponsor is willing to have it done this way and there is assurance from the Department of Safety that the matter will be handled in the near future. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

HB 316-FN-A, permitting refunds for stamps destroyed after affixing to tobacco products. Ought to Pass with Amendment.

This bill, as amended, authorizes the Commissioner of Revenue Administration to refund the purchase price for stamps and metered impressions which are destroyed after affixing to outdated, damaged or unsalable tobacco products. Vote 14-0. Rep. Beverly T. Rodeschin for Ways and Means.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Refund for Destroyed Stamps. Amend RSA 78:10 to read as follows:  
78:10 Resale of Stamps; Redemption. No wholesaler shall sell or transfer any stamps issued under RSA 78:9. The commissioner shall redeem any unused, uncanceled stamps presented by any licensed wholesaler at a price equal to the amount paid by such licensee. In case such stamps are destroyed before they are affixed, the commissioner shall refund the purchase price upon presentation of evidence of such destruction satisfactory to the commissioner. [No refund shall be made for stamps destroyed after affixing.] The commissioner shall refund the purchase price for stamps and metered impressions which are destroyed after affixing to outdated, damaged, or unsaleable tobacco products. The state treasurer shall provide, out of money collected under this chapter, the funds necessary for redemption or refund.

#### AMENDED ANALYSIS

As amended, this bill authorizes the commissioner of revenue administration to refund the purchase price for stamps and metered impressions which are destroyed after being affixed to tobacco products. Stamps destroyed before affixing are currently refunded at the purchase price.

HB 320-FN-A, relative to the definition of a hotel under the meals and rooms tax. Inexpedient to Legislate.

This bill would exempt lodging houses, boarding houses, rooming houses and furnished room houses from the meals and rooms tax. Its purpose is to avoid taxing those people who make their permanent residences in such quarters. The Committee determined that such permanent residents were already protected by other statutes which permit a refund of meals and rooms tax where quarters are occupied for more than 185 days. The Committee also felt that the exemption was overly broad, as it would include not only permanent residents, but also transient guests. Vote 17-0. Rep. Neal M. Kurk for Ways and Means.

HB 362-FN-A, relative to returns and taxable meals under the meals and rooms tax. Ought to Pass.

This bill was requested by the Department of Revenue Administration to bring New Hampshire law in conformity with the federal law and for housekeeping purposes. The bill excludes the purchase, or portion thereof, of meals with food stamp coupons as taxable meals. Vote 15-0. Rep. Garret P. Cowenhoven for Ways and Means.

COMMITTEE REPORTS  
(Regular Calendar)

SB 31-FN-A, relative to the department of health and human services, and making an appropriation therefor. Ought to Pass.  
This bill appropriates \$13,808,583 of General Funds to the Department of Health and Human Services. The supplemental appropriation is necessary due to the unexpected increases in funding of court ordered services and increases in Medicaid expenditures. The bill allows the state to meet its legally liable commitments. Vote 19-0. Rep. Margaret A. Ramsay for Appropriations.

Ordered to third reading.

HB 318-FN-A, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor. Ought to Pass with Amendment.

This bill requires the responsible school district to be liable for the special education and educationally-related services of children placed under the supervision of the Division for Children and Youth Services, but only to the extent of the average state elementary cost per pupil, to establish rates for the educational portion. Vote 17-0. Rep. Raymond C. Wixson for Children, Youth and Elderly Affairs.

Amendment

Amend RSA 169-B:22 as inserted by section 1 of the bill by replacing it with the following:

169-B:22 Disposition of Educationally Handicapped Minor. At any point during the proceedings, the court [may], either on its own motion or that of any other person, [and if the court contemplates a residential placement, the court shall immediately,] may join the legally liable school district for the limited purposes of directing the school district to determine whether the minor is educationally handicapped as defined in RSA 186-C or, if the minor has already been determined to be educationally handicapped, of directing the school district to review the services offered or provided under RSA 186-C[, if the minor has already been determined to be educationally handicapped]. Once joined as a party, the legally liable school district shall have full access to all records maintained by the district court under this chapter. If the school district finds or has found that the minor is educationally handicapped, or if it is found that the minor is educationally handicapped on appeal from the school district's decision in accordance with the due process procedures of RSA 186-C, the school district shall offer an appropriate educational program and placement in accordance with RSA 186-C. Financial liability for such education program shall be as determined in RSA 186-C:19-b.

Amend RSA 169-C:20 as inserted by section 2 of the bill by replacing it with the following:

169-C:20 Disposition of Educationally Handicapped Child. At any point during the proceedings, the court [may], either on its own motion or that of any other person, [and if the court contemplates a residential placement, the court shall immediately,] join the legally liable school district for the limited purposes of directing the school district to determine whether the [minor] child is educationally handicapped as defined in RSA 186-C or, if the child has already been determined to be educationally handicapped, of directing the school district to review the services offered or provided under RSA 186-C [if the minor had already been determined to be educationally handicapped]. Once joined as a party, the legally liable school district shall have full access to all records maintained by the district court under this chapter. If the school district finds or has found that the [minor] child is educationally handicapped, or if it is found that the [minor] child is educationally handicapped on appeal from the school district's decision in accordance with the due process procedures of RSA 186-C, the school district shall offer an appropriate educational program and placement in accordance with RSA 186-C. Financial liability for such education program shall be as determined in RSA 186-C:19-b.

Amend RSA 169-D:18 as inserted by section 3 of the bill by replacing it with the following:

169-D:18 Disposition of Educationally Handicapped Child. At any point during the proceedings, the court [may], either on its own motion or that of any other person, [and if the court contemplates a residential placement, the court shall immediately,] may join the legally liable school district for the limited purposes of directing the school district to determine whether the [minor] child is educationally handicapped as defined in RSA 186-C or, if the child has already been determined to be educationally handicapped, of directing the school district to review the services offered or provided under RSA 186-C [if the minor has already been determined to be educationally handicapped]. Once joined as a party, the legally liable school district shall have full access to all records maintained by the district court under this chapter. If the school district finds or has found that the [minor] child is educationally handicapped, or if it is found that the [minor] child is educationally handicapped on appeal from the school district's decision in accordance with the due process procedures of RSA 186-C, the school district shall offer an appropriate educational program and placement in accordance with RSA 186-C. Financial liability for such educational program shall be as determined in RSA 186-C:19-b.

Amend RSA 186-C:19-b, II(a) as inserted by section 5 of the bill by replacing it with the following:

(a) Any costs of special education or special education and educationally related services in excess of the state average elementary cost per pupil shall be the liability of the department of education. Costs for which the department of education is liable under this section shall be paid to education service providers by the department of education. The department of education shall develop a mechanism for allocating the funds appropriated for the purposes of this section.

#### AMENDED ANALYSIS

This bill requires the responsible school district to be liable for the special education and educationally related services of children placed under the supervision of the division for children and youth services, but only to the extent of the average state elementary cost per pupil. The division for children and youth services shall be liable for all other costs of the educationally handicapped children. The same financial liability apportionment shall apply to children who are abused, neglected or in need of supervision.

The sum of \$1,492,480 is appropriated for the biennium ending June 30, 1989, for the purpose of funding the excess educational costs of these children.

The bill, as amended, also corrects a technical error and clarifies department of education liability for special education costs.

Amendment adopted.

Referred to Appropriations.

HB 293-FN-A, relative to foster family homes and making an appropriation therefor. Ought to Pass.

This bill provides for a much needed increase in the monthly allowance that foster family homes receive for each child in their care. Vote 17-0. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

Referred to Appropriations.

HB 319-FN-A, establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers. Ought to Pass.

The Committee was made aware that some 130,000 New Hampshire citizens are in some state of chemical dependency and that the total costs to the State are upwards of \$700 million annually. It, therefore, concluded that there is a dire need for a substance abuse education and treatment program and that since most of the problem stems from alcohol abuse that it is appropriate that costs be borne by purchasers of such beverages. It is, therefore, the intent of this legislation to establish a premium on the sale of alcoholic beverages to be used only for alcohol and drug abuse education and prevention activities and for the treatment and rehabilitation of alcohol and drug abusers. Vote 17-0. Rep. Joe B. Parks for Children, Youth and Elderly Affairs.

Referred to Ways and Means.

HB 348-FN-A, relative to the division for children and youth services and appropriating funds for certain employee benefits. Ought to Pass with Amendment.

The bill clarifies a session law making the Director of the children's study home, the Superintendent of the Philbrook Center, by stating that the Superintendent shall retain all employee benefits to which he was previously entitled. This bill also makes technical changes in the statutes relative to the Division for Children and Youth Services. Vote 17-0. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

#### Amendment

Amend RSA 169-B:20 as inserted by section 2 of the bill by replacing it with the following:

169-B:20 Determination of Competence. Any minor before the court shall, at the discretion of the court, together with parents, guardian or person with custody or control submit to a mental health evaluation to determine the competence of the minor to be completed within 60 days, by an agency other than the Philbrook center, approved by the commissioner of health and human services, a psychologist certified in New Hampshire, or a qualified psychiatrist, provided that the evaluation may be performed by the Philbrook center only upon receiving prior approval for such evaluation from the director, division for children and youth services or his designee. A written report of the evaluation shall be given to the



court before the hearing on the merits is held. The court shall inform the parents, guardian or counsel of the minor of their right to object to the mental health evaluation. They shall object in writing if they so desire to the court having jurisdiction of the matter within 5 days after notification of the time and place of the evaluation, and the court shall hold a hearing to consider the objection prior to ordering the evaluation or, upon good cause shown, may excuse the minor, parents, guardian, or person in custody or control from the provisions of this section. Whenever such an evaluation has been made for consideration at a previous hearing, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The evaluation facility, agency or individual shall keep records; but no reports or records of information contained therein shall be made available, other than to the court and parties, except upon the written consent of the person examined or treated and except as provided in RSA 169-B:35. The expense of such evaluation is to be borne as provided in RSA 169-B:40.

Amend the bill by deleting section 4 and renumbering sections 5 - 8 to read as 4, 5, 6, and 7, respectively.

Amendment adopted.

Referred to Appropriations.

HB 368-FN-A, increasing the AFDC shelter allowance and making an appropriation therefor. Ought to Pass with Amendment.

The intent of this bill is to raise the shelter allowance for AFDC families to \$228 per month and also provide for yearly increases based on the medium shelter cost in New Hampshire as announced annually by the New Hampshire Housing Authority. Vote 12-4. Rep. Pamela B. Bean for Children, Youth and Elderly Affairs.

#### Amendment

Amend RSA 167:7, II as inserted by section 1 of the bill by replacing it with the following:

II. The director of the division of human services of the department of health and human services [may] shall establish for the aid to families with dependent children consolidated standards of need, or consolidated standards of need except for shelter, subject to appropriated funds and applicable federal regulations. Subject to appropriated funds, yearly increases in the shelter allowance for families with dependent children shall be made to reflect fluctuations in the medium shelter cost in New Hampshire as announced annually by the New Hampshire housing authority.

#### AMENDED ANALYSIS

This bill makes an appropriation of \$3,000,000 for each fiscal year of the biennium to the division of human services for the purpose of increasing the shelter allowance for aid to families with dependent children to \$228 per month.

The bill, as amended, also provides for yearly increases in the shelter allowance, to reflect the medium shelter cost in New Hampshire as announced annually by the New Hampshire housing authority.

Amendment adopted.

Referred to Appropriations.

HB 710-FN-A, relative to child care assistance and making an appropriation therefor. Ought to Pass.

Providing child care assistance to income-eligible clients is a policy that is in place now. This appropriation will enable that policy to continue and allow low-income clients, presently working or in training, to remain in the system and off the welfare rolls. The most important phase of this bill is that it provides that young children receive appropriate care during their most formative years. Vote 17-0. Rep. Josephine Mayhew for Children, Youth and Elderly Affairs.

Referred to Appropriations.

HB 296-FN-A, establishing a department of securities and making an appropriation therefor. Ought to Pass with Amendment.

This bill represents the combined efforts of members of Commerce, Small Business and Consumer Affairs and Executive Departments and Administration Committees. It was initiated in the Commerce Committee in the past session - was sent for Interim Study and came under the aegis of Executive Departments and Administration which invited the original sponsors of the bill to participate in its development. The bill is a result of the concerns raised by various incidents of investment fraud and the ever-increasing pressure upon the understaffed Department of Securities within the Insurance Department. Vote 12-1. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend RSA 21-P:3, II(a), (b), and (c), as inserted by section 1 of the bill by replacing it with the following:

(a) The review, in cooperation with the secretary of state, of applications for registration submitted by all persons who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors.

(b) The examination and audit of business records maintained by broker-dealers, agents, issuers, and investment advisors.

(c) The investigation, in cooperation with the attorney general, of those who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors, suspected of violations of this state's securities laws.

Amend RSA 21-P:5, III and IV, as inserted by section 1 of the bill by replacing it with the following:

III. Require broker-dealers, agents, issuers, and investment advisors to report information as to their dealings with securities in such form and upon such blanks as the commissioner may prescribe. All broker-dealers, agents, issuers, and investment advisors shall furnish the commissioner with the information required.

IV. Summon witnesses to appear and give testimony under oath, and to produce books, records, papers and documents relating to any securities matter which the commissioner has authority to investigate or determine.

Amend RSA 21-P:5, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Cooperate with the attorney general in civil actions and criminal prosecutions to enforce the laws relating to the liability and punishment of broker-dealers, agents, issuers, and investment advisors for failure to comply with the provisions of the laws of the state governing securities.



Amend RSA 21-P:6, III as inserted by section 1 of the bill by replacing it with the following:

III. Public information, registration, and licensing shall include all initial public contact relative to the licenses which RSA 421-B:6 requires be obtained by persons who transact business in this state as a broker-dealer, agent, issuer, or investment advisor; all initial public contact relative to the registration of securities as mandated by RSA 421-B:11; furnishing members of the general public with all license and registration applications and information needed for any project which comes under the jurisdiction of the department, as well as information as to any federal licenses which may be required; assisting members of the general public, whenever possible, to fill out applications for licenses or the registration of securities by directing them to the appropriate person; and generally providing members of the general public with all of the information necessary for meeting license and registration requirements, including information as to where to find the relevant federal laws, rules and regulations. The administrator of securities services shall provide for the review of all applications for licenses submitted by those who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors. The administrator of securities services shall then forward all license applications, and his recommendations as to the disposition of such applications, to the commissioner for further action. The administrator of securities services shall receive all applications for the registration of securities and shall forward all such applications, without recommendation, to the director of registration.

Amend RSA 21-P:7 as inserted by section 1 of the bill by replacing it with the following:

21-P:7 Office of Investigations. There is established within the department an office of investigations, under the supervision of an unclassified chief investigator. The chief investigator may be removed only as provided by RSA 4:1. He shall be responsible, in accordance with applicable laws, for conducting investigations, in cooperation with the attorney general, of persons who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors in order to secure compliance with securities laws.

Amend RSA 21-P:8, I as inserted by section 1 of the bill by replacing it with the following:

I. Conducting audits of the business records of those who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors in order to determine whether such persons are in continuous compliance with the securities laws of this state and the rules adopted by the commissioner.

Amend RSA 21-P:8, V as inserted by section 1 of the bill by replacing it with the following:

V. Reviewing complaints concerning alleged violations of this state's securities laws filed against those who effect transactions in securities, including broker-dealers, agents, issuers, and investment advisors.

Amendment adopted.

Referred to Appropriations.

HB 287-FN, relative to kindergarten. Majority: Inexpedient to Legislate. Minority: Re-Refer to Committee.

MAJORITY: A majority of the Committee felt that, beyond issuing a statement of policy, Committee members should consider and apply fiscal responsibility. Even though the bill, as amended, called for state funding, dollars are limited, and might be better spent on existing programs which the State supports. Further, the issue of home rule was pertinent with strong sentiment for leaving the decision of whether or not to establish and operate kindergartens to local communities and school districts. Vote 12-7. Rep. Linwood N. Purrington for the Majority of Education.

MINORITY: The minority feels that there is merit in the concept of the bill in the policy area and asks that it be re-referred to Committee for the purpose of bringing it in as a bill of intent. Rep. Jacquelyn Domaingue for Education.

Rep. Domaingue moved that the report of the Minority, Re-Refer to Committee, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Rep. Palumbo spoke in favor of the motion.  
Motion adopted.

HB 347-FN-A, relative to the dental hygienist program at the New Hampshire technical institute and making an appropriation therefor. Ought to Pass.

The Committee was divided on whether the Dental Association should, or should not, contribute to the cost of the program. The need for more dental hygienists was clearly established to the satisfaction of the Committee. Vote 12-7. Rep. William A. Riley for Education.

Referred to Appropriations.

HB 219-FN-A, establishing a shooting range in the state and making an appropriation therefor. Ought to Pass.

The public hearing and the Committee confirmed the need for such a facility to be provided by the State to service general law enforcement's need, including State Police, National Guard, etc. - not to mention spin-off of public use of this very much needed facility. Vote 12-0. Rep. William P. Boucher for Fish and Game.

Referred to Appropriations.

HB 664-FN, relative to resident hunting and fishing licenses. Inexpedient to Legislate.

The majority of the Committee was not in favor of this bill. There was no constituent support. The Fish and Game Department needs the income to fulfill its responsibilities to the sportsmen and the Fish and Game resource. Vote 15-1. Rep. Milton G. Jensen for Fish and Game.

Rep. Guay spoke to the report.  
Resolution adopted.

HB 322-FN-A, relative to the AIDS virus and making an appropriation therefor. Ought to Pass with Amendment.

The purpose of this bill is twofold:

- (1) to provide adequate availability of reliable testing for the presence of antibodies to the HIV virus - anonymously, if needed
- (2) to provide authorization and funds for an education program concerning exposure to the virus

This devastating disease is increasing at an alarming rate and has spread beyond the groups with whom it was originally associated. The Surgeon General of the United States has urged an educational program concerning this affliction which is being compared to the plague. Passage of this bill in no way implies approval of the ways of life that in the past have been linked with Acquired Immune Deficiency disease. Vote 17-1. Rep. Robert F. Wilson for Health and Human Services.

#### Amendment

Amend the bill by replacing sections 1, 2 and 3 with the following:

##### 1 Policy.

I. The general court finds that the threat to the public from the human immunodeficiency virus and its variants, the causative agent of acquired immune deficiency syndrome (AIDS), AIDS related conditions (ARC), and other clinical manifestations of human immunodeficiency virus can be avoided by an educated and socially responsible citizenry. The general court further recognizes that early identification and diagnosis of the human immunodeficiency virus and its variants are crucial to appropriate and timely medical intervention and to halt or slow the spread of the virus.

II. The general court declares that the policy of this state shall be to protect its citizens to the fullest extent possible in a manner consistent with the rights of the individual. The general court intends to address these problems in a manner consistent with its state policy by implementing the following procedures:

(a) To identify and provide at the earliest possible time all resources needed to minimize and control the spread of the human immunodeficiency virus; and

(b) To coordinate the educational and detection efforts of the state through the division of public health services, department of health and human services.

2 New Chapter; Human Immunodeficiency Virus. Amend RSA by inserting after chapter 141-E the following new chapter.

#### CHAPTER 141-F

##### HUMAN IMMUNODEFICIENCY VIRUS DETECTION, PREVENTION, AND CONTROL

141-F:1 Statement of Purpose. It is the purpose of this chapter to designate the division of public health services, department of health and human services, as the state agency responsible for preparing information and educational materials on the transmission and prevention of the human immunodeficiency virus. It is also the purpose of this chapter to require the division of public health services to provide testing for the human immunodeficiency virus, to assure the quality of similar testing by other laboratories in the state, and to carry out epidemiological analysis and follow-up. Finally, it is the purpose of this chapter to protect individuals from unauthorized disclosure of human immunodeficiency virus test results.

141-F:2 Definitions. In this chapter:

I. "Antibody" means a protein produced by the body in response to specific foreign substances such as bacteria or viruses.

II. "Antigen" means a substance that stimulates the production of antibodies.

III. "Director" means the director, division of public health services or his designee.

IV. "Division" means the division of public health services, department of health and human services.

V. "Human immunodeficiency virus" means the virus, or its variants, which are the causative agents of acquired immune deficiency syndrome (AIDS), AIDS related conditions (ARC), and other clinical manifestations.

VI. "Serologic positive" means the presence in an individual, as detected by laboratory testing, of an antibody or antigen to the human immunodeficiency virus.

141-F:3 Powers and Duties of the Division. The division shall:

I. Provide materials and guidance to the department of education for development of courses and programs relative to the human immunodeficiency virus which meet the requirements of RSA 186:11, IX and XXVII.

II. Provide human immunodeficiency virus-related educational materials to:

(a) School boards pursuant to RSA 189:10.

(b) Private elementary and secondary and public and private post-secondary educational and vocational training institutions for the development and delivery of appropriate courses and programs.

III. Evaluate human immunodeficiency virus information programs and counseling activities at private and public secondary and post-secondary educational and vocational institutions.

IV. Distribute informational materials on the human immunodeficiency virus to health care providers, health care institutions, local health and social service agencies, local units of government, and, upon request, to other public and private agencies and organizations.

V. Provide information to persons at high risk of acquiring the human immunodeficiency virus.

VI. Provide assistance to government agencies, school districts, health care institutions, businesses, and industries to establish policies and practices for coping with human immunodeficiency virus.

VII. Disseminate information to the general public, using print and broadcast media, on the human immunodeficiency virus, its causes and effects, and on methods of prevention and control.

VIII. Conduct training sessions and workshops, upon request, for educators, physicians, and the staff and volunteers of hospitals and other health care agencies licensed under RSA 151, and in state and local correctional facilities, on the human immunodeficiency virus, methods of prevention and control, methods for counseling infected persons and their families, and management of medical care and treatment of infected persons.

IX. Within the limits of appropriated funds, augment community efforts by providing, directly or by contract, with local health or social service agencies or with any other relevant agency or organization, services relating to the human immunodeficiency virus.

X. Provide laboratory testing services in accordance with RSA 141-F:6 to detect the presence or absence of antibodies or antigens of the human immunodeficiency virus in samples submitted by health care providers.

XI. Certify facilities in accordance with RSA 141-F:6 who offer or otherwise make available laboratory testing services to detect the presence or absence of antibodies or antigens of the human immunodeficiency virus.

XII. Conduct follow-up investigations in accordance with RSA 141-F:9.

XIII. Apply for, receive, and expend funds made available to the state by the federal government or other sources and use such funds to carry out the provisions of this chapter.

141-F:4 Rulemaking. The director shall adopt rules under RSA 541-A relative to:

I. Procedures for testing blood samples under RSA 141-F:5, I.

II. Procedures for testing body parts, tissues, or fluids under RSA 141-F:5, II.

III. Procedures for confidentially testing body parts, tissues, or fluids under RSA 141-F:5, III.

IV. Procedures for conducting tests under RSA 141-F:5, IV.

V. Procedures for certification under RSA 141-F:6, II.

141-F:5 Informed Consent for Testing; Exceptions. Except as provided in this section, no physician or other health care provider licensed or registered to practice in this state, no employee of a health care facility licensed under RSA 151, whether paid or unpaid, and no employee of a blood bank, blood center, plasma center, or agency which receives blood donations, whether paid or unpaid, may test for the presence of an antibody or antigen to a human immunodeficiency virus unless the person being tested consents after being informed about the medical interpretations of positive and negative test findings. Testing may occur in the following situations:

I. Any blood bank, blood center, plasma center, or agency which purchases or receives donated whole blood, blood plasma, a blood product, or a blood derivative shall, prior to its distribution or use, subject such blood to a test which conforms to rules adopted by the director under RSA 141-F:4.

II. A physician or other health care provider licensed or registered to practice in this state who procures, processes, distributes, or uses a human body part donated under RSA 291-A may, without obtaining consent to the testing, test for the presence of an antibody or antigen to the human immunodeficiency virus, in accordance with rules adopted by the director under RSA 141-F:4 in order to assure medical acceptability of the gift for the purpose intended.

III. A health care facility engaged in medical research may, without first obtaining written consent to the testing, subject any body parts, fluids or tissue to a test for the presence of an antibody or antigen to a human immunodeficiency virus in accordance with rules adopted by the director under RSA 141-F:4 if the testing is performed in a manner by which the identity of the test subject is not known and may not be retrieved by the researcher.

IV. Individuals confined to a facility pursuant to the order of a court, or committed to a mental health facility, may be tested without obtaining written consent to the testing, when the results of such tests are necessary for the placement and management of such individuals in the facility, pursuant to the written policies and procedures the chief administrator of the facility.

141-F:6 Testing; Certification.

I. The division shall offer laboratory testing, in accordance with RSA 131, for the presence or absence of antibodies or antigens of the human immunodeficiency virus. Each sample for testing shall be submitted with a statement signed by a physician, or by a person authorized by a physician to sign, attesting that the person has consented to the test in accordance with RSA 141-F:5.

II. All other laboratories, public or private, which test human blood or any other business or organization, public or private, which tests human blood, tissue, or other samples as part of its operations may offer to test samples for the presence or absence of antibodies or antigens of the human immunodeficiency virus if such laboratories are annually certified by the division. The director shall adopt rules under RSA 141-F:4 relative to the certification process. Such laboratories shall require that any sample for testing be submitted with a written statement signed by a physician, or a person authorized by a physician to sign, attesting that such person has given informed consent as required under RSA 141-F:5. Certification under this paragraph shall be in addition to any other certification, registration, or licensure required for such laboratories under state law.

141-F:7 Reporting of Test Results.



I. Except as provided in this section, test results of samples submitted for laboratory analysis under RSA 141-F:6 shall not be disclosed by the laboratory to any person or agency except:

- (a) The physician ordering the test or the person authorized by the physician; and
- (b) The director, in accordance with RSA 141-C:7.

II. If a test is serologic positive it shall be disclosed by the physician or the person authorized by the physician to the person who was tested. Such person shall be provided with appropriate counseling at time of notification.

III. If the person with a serological positive test result is less than 18 years of age or is mentally incapable of understanding the ramifications of a positive test result, the physician or the person authorized by the physician may disclose the test results to a parent or legal guardian. In such cases, the parent or legal guardian shall be entitled to appropriate counseling.

IV. If the person with a serologic positive test is confined to a facility pursuant to an order of a court, or committed to a mental health facility, the results of the tests shall be disclosed by the physician or the person authorized by the physician to the medical director or chief medical officer of such facility. The medical director or chief medical officer of the facility shall provide to the administrator in charge of the facility whatever medical data is necessary to properly assign, treat, or manage the affected individual. The administrator may disclose this information only to those individuals who require such information to properly assign, treat, or manage the affected individual.

141-F:8 Confidentiality; Release of Information.

I. The identity of a person who tested serologic positive for the human immunodeficiency virus shall not be disclosed except as provided in RSA 141-F:7 and RSA 141-F:8, III.

II. All records and any other information pertaining to a person's testing for the human immunodeficiency virus shall be maintained by the division, health care provider, health or social service agency, organization, business, school, or any other entity, public or private, as confidential and protected from inadvertent or unwarranted intrusion. Such information shall not be released or made public upon subpoena or any other method of discovery.

III. Notwithstanding RSA 141-C:10 and paragraph I of this section, the identity of a person tested for the human immunodeficiency virus may be disclosed in response to a written request if such person has given written authorization for such disclosure. Such written request shall state the reasons for the request and shall contain only the identity of the infected person.

141-F:9 Disease Control. The director shall conduct follow-up activities when reports of individuals found serologic positive are provided under RSA 141-C:7.

I. Such activities shall be conducted with due regard to the personal and property rights of the individual person and shall be limited to discovering the potential source of the infection and to identifying persons who may have been infected by such individual.

II. The director shall, if possible, do contact referral and shall encourage the individual person to notify any persons who may be or have been infected and urge such persons to undergo testing pursuant to the provisions of this chapter.

III. During the course of an investigation under this section, the director shall not disclose the identity of the individual found serologically positive.

141-F:10 Civil Liability. Any person who purposely violates RSA 141-F:7, I or RSA 141-F:8, I and thereby discloses the identity of a person infected by a human immunodeficiency virus shall be liable to such



person for actual damages, court costs and attorneys' fees, plus a civil penalty of up to \$5,000 for such disclosure.

141-F:11 Penalty. Any person who purposely violates the provisions of RSA 141-F:5 - 141-F:8 or any rules adopted pursuant to them, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

### 3 Position Established.

I. To carry out the purposes of this act, there are hereby established within the division of public health services, department of health and human services, the following positions:

- (a) A public health program chief;
- (b) Two sexually transmitted disease control investigators;
- (c) A public health nurse III;
- (d) A laboratory scientist II; and
- (e) A secretary typist II.

11. Such positions shall be permanent full-time classified positions.

Amendment adopted.

Referred to Appropriations.

HB 326-FN-A, establishing homemaker services for certain persons and making an appropriation therefor. Ought to Pass.

The Committee believes that the longer citizens can stay in their own homes and receive needed services the longer can nursing home occupancy be avoided. The bill provides an assessment as to need for light housekeeping, food purchase and/or preparation, and laundry. A supervisor assigns a homemaker to make a specified number of visits per week varying from one a week to five. These needs may be on a short-term basis following surgery or long-term as clients grow more frail. Maintaining most people in their own homes in their own neighborhood is a good investment when compared with inappropriate institutionalization. Vote 15-1. Rep. Katherine D. Foster for Health and Human Services.

Referred to Appropriations.

HB 339-FN-A, relative to lead paint abatement and making an appropriation therefor. Ought to Pass.

The Committee felt strongly that children under six should not be present while lead paint is being removed. Young children are very vulnerable to the effects of lead poisoning, i.e. mental retardation, behavioral problems, etc. While adults absorb approximately 8% of lead ingested, children absorb 50%! A child's brain is still developing and is therefore extremely susceptible to neurological damage. The appropriation provides for lead testing kits plus two lead hematofluorometers to be available to city health departments/clinics who screen large numbers of children. Preventing three cases of lead poisoning would justify the appropriation. Vote 15-1. Rep. Marion L. Copenhaver for Health and Human Services.

Referred to Appropriations.

HB 357-FN-A, relative to respite care in area agencies and making an appropriation therefor. Ought to Pass.

This bill will allow the Director of the Division of Mental Health more ability to provide people to run his department with more efficiency. This will enable him to properly provide respite care when it is needed in area agencies. Passage of this bill will facilitate the department. This will allow 1-2 ratio for care giver to client instead of the 1-4 ratio that is now allowed. Vote 13-2. Rep. Mary J. Sullivan for Health and Human Services.

Rep. Sochalski yielded to questions.  
Referred to Appropriations.

HB 359-FN-A, relative to medicaid rates in certified nursing homes and making an appropriation therefor. Inexpedient to Legislate.  
The Committee voted Inexpedient to Legislate as it is a "band aid" approach serving the underpaid nursing home aides. However, it increases the problems of Home Health Organizations who have a different Medicaid reimbursement. Amending to include Home Health Aides is not a solution due to the mix of reimbursement sources which could increase cost to Home Health Agencies. Keeping 99% of our citizens in their homes is the least expensive and most desired plan for our aging population. Vote 12-2. Rep. Katherine D. Foster for Health and Human Services.

Rep. Copenhaver moved that the words, Re-Refer to Committee, be substituted for the Committee report, Inexpedient to Legislate, and spoke to her motion.

Motion adopted.

HB 370-FN-A, relative to employment opportunity and making an appropriation therefor. Ought to Pass with Amendment.  
This bill implements the recommendations of the Committee on Families and Poverty by removing the major impediments for AFDC recipients to return to work. It does this by extending Medicaid coverage to working AFDC recipients, by providing Title IX child care coverage and by providing much needed dental care. The bill, as amended, provides that the standard of need shall be reduced by the countable income of the recipient and the difference shall be adjusted by rules according to the Director. Vote 16-0. Rep. Toni Pappas for Health and Human Services.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 New Paragraphs; Rulemaking. Amend RSA 167:3-c by inserting after paragraph II-a the following new paragraphs:

II-b. Procedures and standards for the assignment of dental benefits pursuant to RSA 167:6, VII.

II-c. Procedures for adjusting the difference calculated under RSA 167:7, IV.

Amend the bill by replacing section 8 with the following:

8 Income Exclusion. Amend RSA 167:7, IV to read as follows:

IV. In determination of the amount of payments or other assistance under RSA 167 or RSA 161, due regard shall be given to the income and resources of applicants. In determination of the amount of payment or other assistance for purposes of RSA 167:7, II and III, the standard of need shall be reduced by countable income of a recipient, and the difference, if any, shall be adjusted according to rules adopted by the director of the division of human services.

#### AMENDED ANALYSIS

This bill establishes incentives to encourage single parents to seek employment.

It adds a statutory provision that excludes the first \$50 per month child support from being considered income for people eligible for food stamps.

The bill entitles categorically needy or medically needy people to dental assistance as well as medical assistance. It also increases the mandatory amount of medical coverage for eligible recipients.

The bill also sets the standard of need for aid to families with dependent children (AFDC) at 125 percent of the national poverty level. The bill establishes a payment level for AFDC recipients, which shall be the amount of benefits to be paid to recipients.

The bill, as amended, provides that the standard of need shall be reduced by the countable income of the recipient and the difference, if any, shall be adjusted according to rules adopted by the director.

The bill also makes appropriations for the biennium of \$1,500,000 to expand child care services for employment-related circumstances, and also \$65,000 for funding emergency programs for AFDC recipients.

Amendment adopted.

Referred to Appropriations.

HB 376-FN-A, relative to Alzheimer's disease and related disorders and making an appropriation therefor. Ought to Pass with Amendment.

The Committee felt that persons taking care of Alzheimer patients should be granted a spell off the job. Failure to spell the care person could result in serious health problems for the care person as well as the patient. A sliding scale fee is required based on ability to pay for the respite service. This bill also helps keep these patients in their own homes longer, thereby saving expenses involved in nursing home care. Vote 17-0. Rep. Robert M. Gilbreth for Health and Human Services.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Alzheimer's Disease and Related Disorders. Amend RSA by inserting after chapter 137-H the following new chapter:

#### CHAPTER 137-I ALZHEIMER'S DISEASE AND RELATED DISORDERS

137-I:1 Statement of Purpose. The general court finds that Alzheimer's disease and related disorders (ADRD) affect an alarmingly high percentage of citizens and that ADRD creates a great strain on the families of victims of the disease. In enacting this chapter, it is the intent of the general court to address these concerns and to promote public awareness of ADRD.

137-I:2 Definitions. In this chapter:

I. "ADRD", Alzheimer's disease and related disorders, means a condition which receives a differential diagnosis of Alzheimer's disease or a similar irreversible dementia.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Director" means the director of the division of elderly and adult services.

IV. "Division" means the division of elderly and adult services.

V. "Eligible person" means any adult who is unable to attend to his daily needs without the assistance or regular supervision of a primary caregiver due to ADRD.

VI. "Primary caregiver" means the family member or other natural person who normally provides the home care and supervision of a victim of ADRD.

VII. "Respite care service" means care provided on an intermittent basis to the eligible person to relieve the primary caregiver from the demands of home care for a limited period of time.

137-I:3 Respite Care Service Established. The director of the division shall establish and administer a statewide respite care service for the purpose of providing respite care for eligible persons by trained respite care providers. The service shall be purchased through contracts, and to the extent feasible shall be coordinated through local agencies.

137-I:4 Guidelines; Fees Established by Rules. Respite care service may be on a planned or emergency basis either in the home of the eligible person, in an out-of-home respite care setting, or in a licensed nursing home. Within a calendar year, an eligible person's utilization of ADRD respite care service shall not exceed a maximum of \$900. Fees for respite care services shall be on a sliding scale basis. The director, with the approval of the commissioner, shall adopt rules pursuant to RSA 541-A, relative to the sliding fee schedule.

137-I:5 Training. The director shall establish comprehensive training programs for persons providing services to eligible persons.

137-I:6 Rulemaking. The director, with the approval of the commissioner, shall adopt rules, pursuant to RSA 541-A, relative to:

I. Training programs as required under RSA 137-I:5.

II. Eligibility requirements for respite care service.

III. A sliding fee schedule for respite care services.

IV. Cost and method of payment for services.

V. What constitutes appropriate respite care service.

VI. What constitutes an appropriate respite care setting.

2 Appropriation. The sum of \$140,000, \$20,000 of which shall be used for training purposes, for the fiscal year ending June 30, 1988, and the sum of \$140,000, \$20,000 of which shall be used for training purposes, for the fiscal year ending June 30, 1989, are hereby appropriated to the department of health and human services for the purposes of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill establishes a respite care service for the primary caregivers of persons suffering from Alzheimer's disease and related disorders. The bill also provides for the the training of persons who provide such care and services to persons suffering from Alzheimer's disease and related disorders. The division of elderly and adult services, department of health and human services, shall be responsible for administering the respite care service. In this bill, eligibility for respite care service is contingent upon whether the person is a victim of Alzheimer's disease or a related disorder.

The bill provides that fees for respite care services shall be determined on a sliding scale basis. The bill places a maximum cap of \$900 a calendar year per eligible person for respite care.

This bill appropriates a total of \$280,000 for the biennium ending June 30, 1989, to carry out its purposes.

Amendment adopted.

Referred to Appropriations.

HB 288-FN-A, establishing an office of victim/witness assistance and making an appropriation therefor. Ought to Pass with Amendment.

This bill creates an office of victim/witness assistance which the Committee believes will provide needed service to victims who already have been injured and to witnesses to help them to perform their

function safely and effectively. The amendment makes it clear that this is not mandated for counties, but that guidelines for victim/witness assistance will be prepared by the Attorney General's Office. Vote 17-0. Rep. Francis E. Robinson for Judiciary.

#### Amendment

Amend RSA 21-M:8-a, I as inserted by section 1 of the bill to read as follows:

1. In this section:

(a) "Victim" means a person who suffers direct or threatened physical, emotional or psychological harm as the result of the commission or the attempted commission of a crime. "Victim" also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim.

(b) "Witness" means any person who has been or is expected to be summoned to testify for the state in a criminal case or who by reason of having relevant information is subject to call or likely to be called as a witness for the state, whether or not any action or proceeding has yet been commenced. Amend the introductory paragraph of RSA 21-M:8-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The attorney general shall, through the office of victim/witness assistance, develop guidelines for prosecutors and law enforcement agencies to assist crime victims. The guidelines shall enumerate the types of services that may be made available to victims and witnesses who are involved in the prosecution of a case. The guidelines shall include but not be limited to:

Amend RSA 21-M:8-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The office of victim/witness assistance shall seek to coordinate efforts with the county attorneys and the various law enforcement agencies in the provision of information and services to victims and witnesses.

#### AMENDED ANALYSIS

This bill creates an office of victim/witness assistance within the criminal justice bureau of the department of justice. The office shall, in coordination with the county attorneys and law enforcement agencies, provide information and services to victims and witnesses in criminal cases prosecuted by the attorney general, and develop and coordinate a statewide victim/witness rights information program.

This bill appropriates to the department of justice \$34,732 for fiscal year 1988 and \$34,732 for fiscal year 1989 from the general fund to hire temporary personnel for the office of victim/witness assistance. These state appropriations are to be matched by federal funds.

This bill, as amended, requires the attorney general to adopt guidelines for prosecutors and law enforcement agencies to assist crime victims.

Amendment adopted.

Referred to Appropriations.

HB 289-A, relative to criminal records and making an appropriation therefor. Ought to Pass with Amendment.



The bill would allow any person to request in writing any record of a criminal conviction from the Director of the State Police upon payment of a fee. Currently, in-state criminal convictions are kept at State Police Headquarters, but access is restricted. These records are a matter of public record and available in court records where the conviction took place. This law would make available all criminal convictions of an individual in a central location for review. Vote 10-4. Rep. C. William Johnson for Judiciary.

#### Amendment

Amend RSA 106-B:14, I as inserted by section 1 of the bill by replacing it with the following:

I. The director shall make available to any person upon written request the criminal record of any person who has been convicted of a felony or misdemeanor, as classified in RSA 625:9, within this state. The record shall not include convictions for motor vehicle offenses, which are available to the public under RSA 260:14, and it shall not include any reference to arrests, indictments or other non-conviction data.

Amendment adopted.

Referred to Appropriations.

HB 332-FN-A, relative to full-time marital masters and making an appropriation therefor. Ought to Pass.

The Superior Court system has indicated grave concern relative to the number of marital cases that they must deal with and the lack of adequate judges to process them. The marital master system works well. Federal funds are contingent upon the speedy processing of custody cases, therefore, the State stands to lose moneys if these matters are not promptly dealt with. Our primary concern, however, is for the citizens of this state who must go through a difficult period which often takes years to complete. Vote 15-0. Rep. Elizabeth D. Lown for Judiciary.

Referred to Appropriations.

HB 345-FN-A, relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor. Ought to Pass with Amendment.

The intent of this bill is to address the New Hampshire Supreme Court case of In re Estate of Henry Dionne which declared RSA 547:23 (Probate Court Special Sessions) unconstitutional. Specifically, it establishes a uniform compensation schedule for all Probate Judges. Additionally, it makes all Probate Court Sessions regular sessions, no longer distinguishing regular from special sessions. Vote 17-0. Rep. Michael E. Jones for Judiciary.

#### Amendment

Amend the bill by striking out all after the enacting clause and replacing it with the following:

1 Salaries; Full-time Probate Judges. Amend RSA 491-A:1 to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$66,641
Associate justices, supreme court	64,154



Chief justice, superior court	64,154
Associate justices, superior court	62,476
District court justices prohibited from practice pursuant to RSA 502-A:21	62,476
Probate judges prohibited from practice pursuant to RSA 547:2-a	[19,102] 62,476

2 Full-time Probate Judges. Amend RSA 547 by inserting after section 2 the following new sections:

547:2-a Full-Time Judges. A probate judge designated to be full-time pursuant to RSA 491-A:3, IV shall not be permitted to engage in the practice of law to any degree. Full-time probate judges shall receive the salary specified in RSA 491-A:1 and shall be entitled to the same disability and retirement benefits as full-time justices of the district court. Full-time judges designated pursuant to RSA 491-A:3, VI shall assist the probate courts in the other counties whenever a probate judge in such other county is disqualified, disabled, or otherwise unable to sit.

3 Salaries of Part-time Probate Judges. Amend RSA 491-A by inserting after section 2 the following new section:

491-A:3 Probate Judges; Salaries.

I. For purposes of calculating the annual salaries of part-time judges appointed after October 3, 1986, the supreme court shall establish and revise as needed a weighted case value, relating the judicial time required for each type of case included in the court's jurisdiction, which when multiplied by the caseload of each court will produce the number of weighted case units for that court. The number of weighted case units, as calculated annually by the administrative office of the courts, shall serve as the basis for determining the salary of part-time justices.

II. The following compensation schedule shall be used when calculating salaries for part-time probate judges from October 3, 1986, subject to future revision by the supreme court.

<u>Weighted Case Units</u>	<u>Step Increase Per 100 Case Units</u>				
	1	2	3	4	5
0 - 499	\$ 2,500	\$ 3,217	\$ 3,928	\$ 4,642	\$ 5,356
500 - 999	6,070	6,784	7,498	8,212	8,926
1000 - 1499	9,640	10,354	11,068	11,782	12,496
1500 - 1999	13,329	14,162	14,995	15,828	16,661

<u>Weighted Case Units</u>	<u>Step Increase Per 100 Case Units</u>				
	1	2	3	4	5
2000 - 2499	17,494	18,327	19,160	19,993	20,826
2500 - 2999	21,659	22,492	23,325	24,258	24,991
3000 - 3499	25,824	26,657	27,490	28,323	29,156
3500 - 3999	29,989	30,822	31,655	32,488	33,321
4000 - 4499	34,154	34,987	35,820	36,653	37,486
4500 - 4999	38,319	39,152	39,985	40,818	41,651
5000 - 5250	42,484	43,317	43,733	-----	-----

III. The salary of a part-time justice shall not exceed 70 percent of the salary of a full-time district court justice as provided by RSA 491-A:1. Judicial time shall be measured in weighted case units which shall reflect judicial time required to process a case. The compensation per weighted case unit shall be proportional to the compensation for a

full-time judge. A part-time justice, whose weighted caseload equals 3.5 judicial days per week, shall receive the maximum salary as provided by this section and shall be considered for full-time status as provided in paragraph IV. The compensation schedule provided in this section shall be based upon the salary of a full-time district court justice pursuant to RSA 491-A:1.

IV. If application of this or any other provision of law results in a probate judge receiving a salary which equals 70 percent of the salary of a full-time district court justice, the supreme court, after reviewing population, caseload, judicial time, available judicial resources and other relevant criteria, may determine that said probate judge become full-time.

4 Transitional Adjustment. Amend RSA 547 by inserting after section 22 the following new section:

547:22-a Transitional Adjustment. Notwithstanding RSA 491-A:3, judges of probate who are not full-time judges under RSA 547:2-a and who were appointed prior to the effective date of this section shall receive as annual salary for a period of 10 years either (a) the sum of \$19,102 plus 50 percent of the total amount of special session fee income which he received in 1985; or (b) the salary established for such judge through the application of the weighted caseload compensation schedule set forth in RSA 491-A:3, plus 50 percent of the total amount of special session fee income received in 1985; whichever is greater. After 10 years, these judges shall be compensated by application of the weighted caseload compensation schedule pursuant to RSA 491-A:3.

5 Acting as Counsel; Cross-Reference. Amend RSA 547:13 to read as follows:

547:13 Acting as Counsel. He shall not act as counsel or advocate in any business in, or which may be brought into any probate court. No attorney shall be permitted to practice before any probate judge who is a partner, associate, employee or employer of said attorney, or is a stockholder in a professional corporation for the practice of law in which said attorney is stockholder. Full-time probate judges under RSA 542:2-a shall be prohibited from the practice of law to any degree.

6 When Probate Judge Disqualified to Sit. Amend RSA 547:15 to read as follows:

547:15 If Disqualified to Sit. If the judge disqualifies himself, by reason of a conflict of interest or otherwise, to sit in any case, he shall cause a record of the disqualification to be made and shall adjourn the case to another time and place. [The] A full-time judge or, if he is unavailable, another judge [of any other county before whom the case is entered] shall have power to make any decree or order which could have been made by the judge before whom the case was originally entered, had he not disqualified himself.

7 Vacancy. RSA 547:18 is repealed and reenacted to read as follows:

547:18 Vacancy. Whenever there is a vacancy in the office of the judge of probate of any county, the register of probate shall call upon the judge of some other county, who shall act during such vacancy. Such judge who is called upon, with prior approval of the supreme court, shall receive the same per diem compensation as is generally allowed to masters serving in the superior court plus reasonable expenses, which shall be paid by the state.

8 Absence or Inability to Attend. RSA 547:18-a is repealed and reenacted to read as follows:

547:18-a Absence or Inability to Attend. Whenever a judge of probate in any county shall be absent or unable to attend a session of the probate court, the register of probate shall call upon the judge of some other county, who shall act during such absence of inability. Such judge who is called upon, with prior approval of the supreme court, shall receive the same per diem compensation as is generally allowed to masters by the superior court plus reasonable expenses, which shall be paid by the state.

9 Retirement Due to Constitutional Age Limitation. RSA 547:19-b is repealed and reenacted to read as follows:

547:19-b Retirement Due to Constitutional Age Limitation. Any judge of probate who is not a full-time judge under the provisions of RSA 547:2-a who retires from active regular service due to the provisions of RSA 493:2, relative to the constitutional age limitation, before January 1, 1988, after having served in such capacity for at least 7 years, or on January 1, 1988 or thereafter, having served in such capacity for at least 20 years; shall receive thereafter and until his death a salary equal to 3/4 of \$19,102 plus an adjustment proportional to any general pay increase granted to state employees payable in the same manner that salaries of judges of probate are paid. Such payments shall be a charge against the biennial appropriations for the probate court or from funds otherwise unappropriated. Retirement payments as provided in this section shall be in lieu of any rights or benefits under the New Hampshire retirement system to which such judge would otherwise be entitled. Any judge of probate who is a member of the state employees' retirement system or the New Hampshire retirement system may terminate his membership therein and upon termination any accumulated contributions shall be paid over to him on written request. No judge of probate whose membership is not so terminated shall be eligible for payments under this section.

10 Retirement at Age 65. RSA 547:19-d is repealed and reenacted to read as follows:

547:19-d Retirement at Age 65. Any judge of probate, who is not a full-time judge under the provisions of RSA 547:2-a, who retires upon becoming 65 years old after having served in such capacity for at least 20 years, shall receive thereafter and until his death a salary equal to 3/4 of the sum of \$19,102 plus an adjustment proportional to any general pay increase granted to state employees. Such payments shall be a charge against the biennial appropriations for the probate court, and shall be included by the comptroller in his request for appropriations. Retirement payments as provided in this section shall be in lieu of any rights or benefits under the New Hampshire retirement system to which such judge would otherwise be entitled. Any judge of probate who is a member of the state employees' retirement system or the New Hampshire retirement system may terminate his membership therein and upon termination any accumulated contributions shall be paid over to him on written request. No judge of probate whose membership is not so terminated shall be eligible for payments under this section.

11 Other Compensation Prohibited. Amend RSA 547:24 to read as follows:

547:24 Other Compensation Prohibited. The judge shall not receive any compensation directly or indirectly for services by him rendered relating to any probate business, except his salary [and the fees that are specially] and any per diem compensation as provided by law.

12 New Section; Additional Sessions. Amend RSA 549 by inserting after section 11 the following new section:

549:12 Additional Sessions. In addition to the regular terms of the respective probate courts set forth in RSA 549:1-10, each probate court shall establish sufficient additional sessions so that the caseload of the court shall be kept on a current basis.

13 Applicability. This act is applicable as of October 3, 1986.

14 Repeal. The following are repealed:

I. RSA 547:22, relative to salaries of probate judges.

II. RSA 547:23, relative to special sessions.

III. RSA 547:25, relative to restrictions on special session fees.

15 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill abolishes special session fees for probate judges.

This bill as amended, provides a weighted caseload compensation schedule for determining compensation of probate judges from October 3, 1986. This bill states that if application of the weighted compensation schedule results in a probate judge receiving a salary which equals 70 percent of the salary of a full-time district court justice, the supreme court may designate that such judge shall become full-time. A transitional adjustment in salary is provided for a 10-year period for probate judges who were appointed prior to October 3, 1986.

Under this bill, as amended, full-time probate judges shall receive the same salary and benefits as full-time district court justices. Full-time probate judges shall be prohibited from the practice of law.

This bill, as amended, also provides for retirement benefits for full-time and part-time probate judges.

Amendment adopted.

Referred to Appropriations.

HB 355-FN-A, relative to the assumption of local probation functions by the state and making an appropriation therefor. Ought to Pass with Amendment.

This bill provides that local probation functions shall be assumed by the State, thus relieving 26 municipalities of the cost of providing these services. The terms under which consolidation of local probation will take place have been developed by joint action of the local and state agencies concerned. Vote 17-0. Rep. Francis E. Robinson for Judiciary.

#### Amendment

Amend RSA 170-G:15 as inserted by section 6 of the bill by replacing it with the following:

170-G:15 Assignment of Juvenile Services Officers. The director shall, through rules adopted pursuant to RSA 541-A, assign permanent juvenile services officers to each judicial district consistent with the workload formula established by the division in consultation with the New Hampshire Judges Association, and subject to the approval of the presiding justice.

Amend section 15 of the bill by replacing all after paragraph II with the following:

III. The director, division for children and youth services, shall begin recruitment to fill any positions created by this act so that all staff shall be employed 30 days prior to the implementation of the remainder of this act. Existing personnel recruitment and hiring procedures shall be used for all positions transferred by this act. This 30 day period shall be used for training in court procedure and division requirements.

Amend the bill by striking out all after section 15 and replacing it with the following:

16 Local Probation Employees; Benefits. Notwithstanding any other provision of law, any full-time local probation officer or local probation employee who becomes employed by the state pursuant to this act shall, effective January 1, 1988, receive all fringe benefits and salary increases as provided for classified state employees including membership



in the state retirement system, Blue Cross and Blue Shield coverage, dental insurance, life insurance coverage, and annual and sick leave benefits. Annual and sick leave benefits accumulated by said employees, as a result of service prior to January 1, 1988, shall be transferable under such guidelines as may be established by the supreme court.

#### 17 Retirement of Local Probation Employees.

I. Notwithstanding any other provision of law, all full-time local probation officers or local probation employees who become employed by the state pursuant to this act shall, effective January 1, 1988, be eligible for membership in the New Hampshire retirement system. Employees who elect to become members of the New Hampshire retirement system shall not be eligible for membership in the local retirement system, except that nothing herein shall prevent an employee from retaining a vested interest in a local retirement system. The 6-month probationary period normally in effect shall be waived for all full-time employees who are employed by local probation departments on December 31, 1987. All personnel hired after January 1, 1988, shall become members of the New Hampshire retirement system following the normally required probationary period.

II. Any such employee who is currently a member of a retirement system other than the New Hampshire retirement system may elect in writing to remain in the local retirement system by notifying the employer and the local governing body on or before December 1, 1987. Employees so electing shall be considered employees of the local governing body for the purpose of inclusion in the local retirement system only. The state, after such election, shall pay into the local retirement system monthly all sums which would otherwise become payable by the local governing body into the local retirement system as its contributory share toward the retirement of said employee; provided, however, that the contributory share shall not exceed the average percentage of the local governing body's annual contributions for all employees for the 3 years preceding January 1, 1988. The state shall withhold from the salary of any such employee the employee's contributory share into the local retirement system and shall pay monthly the amount so withheld to the local governing body for deposit in the local retirement system on behalf of such employee. Employees electing to continue as members of local retirement systems shall not be eligible for membership in the New Hampshire retirement system.

III. Notwithstanding any other provision of law to the contrary, all full-time employees who elect to become members of the New Hampshire retirement system may purchase prior service credits for those years during which they were employed as full-time employees. Prior service credit in the New Hampshire retirement system equal to the membership service in a local retirement system may be purchased upon certification that the member is not eligible for benefits from the local retirement system.

18 Appropriation. The following sums are hereby appropriated for fiscal year 1988 and fiscal year 1989 to the supreme court, the department of corrections, and the division for children and youth services, department of health and human services, for the purpose of carrying out this act:

	Fiscal Year 1988	Fiscal Year 1989
Department of corrections	\$ 122,454	\$ 231,551
Division for children and youth services	956,801	1,678,333
Supreme court	152,500	297,220
Total	\$1,231,755	\$2,207,104

These sums shall be in addition to any other appropriations made for the supreme court, the department of corrections, and the division for



children and youth services. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

19 Repeal. RSA 504-A:10, relative to municipal probation officers, is repealed.

20 Effective Date.

I. Sections 15, 16, 17 and 18 of this act shall take effect July 1, 1987.

II. The remainder of this act shall take effect January 1, 1988.

#### AMENDED ANALYSIS

This bill abolishes the positions of municipal probation officers and provides that the commissioner of corrections shall assign permanent adult probation officers to each district court consistent with a workload formula established by the commissioner. Each officer assigned must be approved by the justice of the district court to which the officer is assigned. The bill authorizes the hiring of juvenile services officers within the division for children and youth services. Juvenile services officers shall be assigned to each district court. They shall be responsible for providing any needed services to juveniles.

This bill also establishes juvenile intake officers for each district court. Juvenile intake officers shall act as clerks and officers of the district courts in proceedings brought which concern juveniles.

This bill, as amended, allows current local probation employees who become employees of the state pursuant to this act to elect to remain in a local retirement system or to become members of the New Hampshire retirement system. Local probation employees who become state employees pursuant to this act shall receive benefits and salary increases as provided for classified state employees.

This bill, as amended, appropriates a total of \$210,818 for fiscal year 1988 and \$402,381 for fiscal year 1989 to the supreme court and the department of corrections for the purpose of carrying out this act.

Amendment adopted.

Referred to Appropriations.

HB 309-FN-A, relative to the Nansen ski jump and making an appropriation therefor. Ought to Pass with Amendment.

The motion of Ought to Pass was made because it is believed that HB 309 is of great merit. The structure involved is an historic item that should be preserved and repaired it with promise that when repaired would be available for the State to lease or sell to a private operator - remaining an asset for all concerned. Vote 15-1. Rep. Eugene Ritzo for Public Works.

#### Amendment

Amend section 1 of the bill by replacing it with the following:

1 Appropriation. The sum of \$66,000 is hereby appropriated to the department of resources and economic development for the biennium ending June 30, 1989, for the purpose of rehabilitating the Nansen ski jump facilities, specifically the metal ski jump structure. This appropriation is in addition to any other made to the department for the biennium. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

#### AMENDED ANALYSIS

This bill, as amended, appropriates \$66,000 for the biennium to the department of resources and economic development for the rehabilitation of

the Nansen ski jump facilities. The bill further authorizes the department to seek private sale or long term private leasing of this facility.

Amendment adopted.

Referred to Appropriations.

HB 354-FN-A, relative to the Franklin-Laconia connector and making an appropriation therefor. Ought to Pass.

The majority of the Committee felt that it was time to press on with this project. The project had been approved in prior years, but unfortunately has not been started due to various reasons including court cases which have been resolved in favor of the project. It is anticipated that a completed study of this project due in April will alleviate some or all of the concerns of the towns of Tilton and Belmont. Vote 10-8. Rep. Gene G. Chandler for Public Works.

Rep. Bowler spoke against the report.

Reps. Thurston and Turner spoke in favor of the report and yielded to questions.

Rep. Randall spoke to the report.

Rep. Palumbo spoke in favor of the report, yielded to questions and yielded to Rep. Pearson who yielded to questions.

Rep. Warburton moved that HB 354 be laid upon the table.

A roll call was requested. Sufficiently seconded.

YEAS 138 NAYS 209  
YEAS 138

BELKNAP: Bowler, Hawkins, Maviglio and Randall.

CARROLL: Hounsell and Saunders.

CHESHIRE: Delano, Foster, LaMar, Matson, Miller, Ramsay, William Riley and Schwartz.

COOS: Frederic Foss, Horton, Kilbride, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Chambers, Copenhaver, Crystal, Densmore, Michael King, Wayne King and Stewart.

HILLSBOROUGH: Ahrens, Barbara Arnold, Baldizar, Bass, Cote, Ann Derosier, Donovan, Dube, Dwyer, Clyde Eaton, Joseph M. Eaton, Fields, Frank, Genest, Granger, Scott Green, Guilbert, Betty Hall, Marian Harrington, Hatch, Healy, Holden, Humphrey, Chris Jacobson, Michael Jones, Cornelius Keane, Robert Kelley, Donna Kelly, Kurk, Leclerc, Lefebvre, Levesque, Lown, Lozeau, Mason, Morrisette, Mulligan, Pariseau, Perham, Prestipino, Price, Reardon, Ellen-Ann Robinson, Routhier, Leonard Smith, Soucy, Stiles, Tarpley, Vanderlosk, Ware, Watson, Kenneth Wheeler, Winn, Wood and Zis.

MERRIMACK: Laurent Boucher, Kidder, Merton Mann, Manus, Wallner and Yeaton.

ROCKINGHAM: Gordon Arnold, Barnes, Blanchard, Eunice Campbell, Carpenito, Lawrence A. Chase, Jr., Cressy, Harry Flanders, Gourdeau, Elizabeth Greene, Hollingworth, Hynes, Joyce, Phyllis Katsakiores, Lovejoy, Magoon, McKinney, Newell, Pevear, Popov, Sanderson, Schmidtchen, Sherburne, Splaine, Tufts, Walker, Welch, Wells and Wright.

STRAFFORD: Bernard, Callaghan, Albert Dionne, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Kinney, Koromilas, Lussier, William McCann, Francis Robinson, Spear and Ralph Torr.

SULLIVAN: Behrens, Cutting, Domini, Flint and McKee.

## NAYS 209

BELKNAP: Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Locke, Pearson, Lawrence Richardson, Thurston, Turner and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Powers and Schofield.

CHESHIRE: Clark, Cole, Daschbach, Jesse Davis, Daniel Eaton, Irvin Gordon, Grodin, Hunt, Morse, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Coulombe, Guay, Lemire and Marsh.

GRAFTON: Adams, Arnesen, Bean, Bennett, Christy, Dearborn, Driscoll, Lougee, Ezra Mann, McAvoy, Scanlan, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Baker, Beaupre, Boutwell, Bowers, Buckley, A. Leslie Burns, Chretien, Cid, Cowenhoven, Cox, Daigle, William Desrosiers, Paul Dionne, Domaingue, Drolet, Ducharme, Dupont, Dykstra, Nancy Ford, Ruth Gage, Gagnon, Grip, Keefe, Alice Knight, Korcoulis, Lanzara, Long, Bonnie McCann, McRae, Messier, Moore, Robert Murphy, Nixon, Packard, Pappas, Paquette, Reidy, Herbert Richardson, Rodgers, Sallada, Shriver, Steiner, Turgeon, Emma Wheeler and Zajdel.

MERRIMACK: Asplund, Austin, Bardsley, Beaton, Cahill, James Chandler, Fillion, Fraser, Gilbreth, George E. Gordon, Gross, Hager, Douglas Hall, Hayes, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Lockwood, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Doris Riley, Walter Robinson, Stio, Tupper, West and Whittimore.

ROCKINGHAM: Benton, Blaisdell, William Boucher, Buco, Butler, Marilyn Campbell, Conroy, Cooke, Cushing, Drake, Ellyson, Felch, Fesh, Flanagan, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Haynes, Hoar, George Katsakiores, Roger King, Maurice MacDonald, Malcolm, William F. McCain, McGovern, Palumbo, Parr, Read, Ritzo, Rosencrantz, Seward, Skinner, Sochalski, Sytek, Tilton, Vartanian, Vaughn, Warburton, Weddle and Woodward.

STRAFFORD: Appleby, Bates, Casey, Chamberlin, Dingle, Anita Flynn, Jean, Kincaid, Lachance, Martling, Parks, Pelley, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Brodeur, Ingram, Krueger, Lindblade, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Question now being on the Committee report, Ought to Pass.

Adopted.

Referred to Appropriations.

HB 667-FN, relative to salaries for unclassified employees in the department of safety. Ought to Pass.

The Committee has been made aware of the money ramifications which are involved in the relocation of upgrading of unclassified state

personnel from salary group to salary group. Careful consideration was given to the salary ranges in state departments which had recently undergone reorganization, and in municipal government operations, which appeared to be comparable positions to those in the Department of Safety. Based on the foregoing, the Committee feels that the upgrading recommendations in this bill are justified. Vote 10-2. Rep. George T. Musler for Public Protection and Veterans Affairs.

Referred to Appropriations.

HB 248, allowing the expulsion of unruly persons from horse and dog racetrack grounds. Ought to Pass.

The Committee felt the passage of this bill was necessary to maintain a proper atmosphere and maintain safety at the racetracks. Vote 12-2. Rep. Peter M. Simon for Regulated Revenues.

Ordered to third reading.

HB 321-FN-A, creating the Connecticut River Valley resource authority and making an appropriation therefor. Ought to Pass with Amendment. As amended, this bill establishes the Connecticut River Valley Resource Commission as an advisory body, administratively attached to the Office of State Planning, with a membership of 15 representing various interests and political entities within the valley. The Commission is charged with protecting and promoting the natural, recreational, cultural and historical resources of the area. The Commission may facilitate the acquisition of land easements, development rights, etc. for public benefit, but has no authority to acquire or manage real property itself. Activities of the Commission must conform with any state comprehensive plan. The Commission is further directed to coordinate programs with the Department of Resources and Economic Development and to seek cooperation and participation from the State of Vermont. Vote 14-4. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

creating the Connecticut River Valley resource commission  
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter. Amend RSA by inserting after chapter 227-D the following new chapter:

#### CHAPTER 227-E CONNECTICUT RIVER VALLEY RESOURCE COMMISSION

227-E:1 Purpose. The purpose of this chapter is to cooperate with the state of Vermont in protecting and preserving the visual, ecological and agricultural integrity of the Connecticut River Valley while planning for and guiding the development of the recreational, tourist, commercial, and residential uses of the valley. The commission shall achieve these goals by identifying, protecting, and promoting the natural, recreational, cultural, and historical resources of the Connecticut River Valley. The commission shall seek the cooperation of the state of Vermont in achieving these goals.

227-E:2 Definitions. In this chapter:

I. "Commission" means the Connecticut River Valley resource commission.

II. "Conservation easement" means a less than fee interest in property acquired for the purpose of permanently protecting a natural, cultural or historical resource or its scenic or recreational values.

III. "Development rights" means the rights of a fee simple owner of property to improve such property, including the right to change the terrain, remove natural vegetation and construct buildings on it. Development rights may be severed from the fee simple to constitute a restriction on the property.

227-E:3 Commission Established; Administratively Attached. There is established the Connecticut River Valley resource commission. The commission shall be administratively attached to the office of state planning pursuant to RSA 21-G:10.

227-E:4 Membership of Commission.

I. The commission shall consist of 15 members as follows:

- (a) A member of the North Country Council, designated by the council.
- (b) A member of the Upper Valley-Lake Sunapee Council, designated by the council.
- (c) A member of the Southwest Regional Planning Commission, designated by the commission.
- (d) A member of the Connecticut River Watershed Council, designated by the council.
- (e) A New Hampshire member of the Connecticut River Flood Control Commission, designated by the commission.
- (f) A representative of a hydro-electric concern located within the Connecticut River valley.
- (g) A representative of a recognized statewide conservation organization.
- (h) A representative of the commercial tourism industry.
- (i) A representative of the agricultural industry who shall be actively engaged in farming.
- (j) A representative of the forest product industry or a timberland owner.
- (k) Five additional members appointed by the governor and council from a list of nominees submitted by the commission members appointed under RSA 227-E:4, (a) through (j) to the governor and council.

II. The governor and council shall appoint the members designated in subparagraphs I(f) through (k). These members shall all be residents of the Connecticut River Valley and shall serve 3-year terms, provided that the initial appointments shall be 2 for a term of one year, 4 for a term of 2 years, and 4 for a term of 3 years. The members appointed under subparagraphs I(a), (b), (c), (d) and (e) shall serve at the pleasure of the organizations they represent.

III. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Members shall hold office until their successors are appointed and qualified.

227-E:5 Chairman; Meetings.

I. The commission shall elect a chairman from among its members.

II. The commission shall meet at least once a month and at the call of the chairman.

227-E:6 Power and Duties. In performing its duties, the commission shall cooperate with the office of state planning and shall conform its activities with any state comprehensive plan. The commission shall:

I. Assemble and assess a comprehensive inventory of all private and public resources which serve to preserve and protect the visual and ecological integrity of the Connecticut River Valley.

II. Coordinate, with the department of resources and economic development, the development of regional promotional programs and other



incentive programs for established and future recreational facilities, resources, and services using existing public and private mechanisms.

III. Initiate and encourage interstate cooperation and participation with the state of Vermont for the promotion and protection of the Connecticut River Valley as a recreational and cultural resource.

IV. Cooperate with, and suggest guidelines for, local communities and regional planning commissions to accomplish the purposes of this chapter.

V. Review and evaluate similar river and watershed protection efforts and regional promotion programs.

VI. Investigate, identify, accept and expend additional public and private funds to:

(a) Establish incentives for the expansion of recreational facilities.

(b) Encourage the development of recreational opportunities and provide additional public access to recreational areas in the Connecticut River Valley.

(c) Administer the duties of the commission.

(d) Protect the agricultural, historical and natural resources of the Connecticut River Valley.

VII. Advise federal, state, and local agencies and private organizations on priorities for acquisition and protection of key resource lands in the valley to accomplish the purposes of this chapter.

VIII. Evaluate applications from local communities for funding for the purchase by such communities of development rights, conservation easements, and titles to or other interests in land having important recreational, historical, natural, and cultural qualities. The commission may award grants of up to 50 percent of the cost for such purchases from funds appropriated to the commission for the purchase of such interests in land. The commission shall evaluate the applications in accordance with criteria adopted under RSA 227-E:7, I.

227-E:7 Rulemaking. The commission shall adopt rules, after public hearing and pursuant to RSA 541-A, relative to:

I. Regional promotional programs and other incentive programs for recreational facilities, resources and services.

II. Criteria for the identification of priority recreational facilities and land.

III. Establishing procedures for grants administered by the commission. These rules shall include, as appropriate:

(a) Application or grant distribution procedures.

(b) Criteria and procedures for evaluating applications.

(c) Procedures for administration of funds by grantees.

(d) Monitoring and report procedures.

(e) Appeal procedures for parties dissatisfied with grant decisions.

IV. The administration of the commission.

227-E:8 Reports; Committee Recommendations.

I. The commission shall annually on or before September 1 submit a report of its activities and expenditures to the governor, the speaker of the house of representatives and the president of the senate, to be forwarded by each of them to the appropriate house or senate standing committee.

II. The house and senate committees receiving the report shall each, on or before December 1, review the report and submit recommendations, including recommendations for legislation, if appropriate, to the speaker or the president of the senate, respectively.

227-E:9 Staff. There shall be the equivalent of one full-time staff person who shall be hired by the chairman of the commission with the approval of the commission. The staff person shall assist the commission in carrying out the purposes of this chapter and shall report directly to the commission.

2 Initial Appointments. All persons to be initially designated or appointed to serve on the Connecticut River Valley resource commission shall be so designated or appointed no later than November 1, 1987.

3 Sunset. There is created a PAU for the Connecticut River Valley resource commission established by section 1 of this act which shall expire on the same date as the PAU for the office of state planning is scheduled for expiration, unless renewed by the general court under RSA 17-G, provided that the first termination date shall be July 1, 1993.

4 Appropriation. The sum of \$25,000 for the fiscal year ending June 30, 1988, and the sum of \$25,000 for the fiscal year ending June 30, 1989, are hereby appropriated to the Connecticut River Valley resource commission for the purposes of hiring the equivalent of one full-time staff person to assist the commission in carrying out the purposes of this act and for the administration of the commission. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill, as amended, establishes a Connecticut River Valley Resource Commission to review, inventory, assess, plan for and guide the recreation, tourism, commercial, and residential use and development of the Connecticut River Valley region of the state in cooperation with the state of Vermont. It establishes the composition of the commission and its duties relative to the present and future use, preservation and development of the region's recreational, residential, cultural, and ecological resources.

The commission is administratively attached to the office of state planning. The bill directs the commission to coordinate its various activities with the department of resources and economic development.

The bill appropriates \$25,000 for fiscal year 1988 and the same amount for fiscal year 1989 for one full-time staff position to assist in administering the act and accomplishing its purposes.

Amendment adopted.

Referred to Appropriations.

HB 82, relative to rate increases resulting from electric power produced by nuclear electric generating facility. Majority: Re-Refer to Committee. Minority: Inexpedient to Legislate.

MAJORITY: This bill has raised enough questions in the minds of the majority of the Committee that it is their opinion that further study will give them the opportunity to explore the educational value of the bill and the appropriate manner, if any, such information should be disseminated to the public. Vote 8-5. Rep. Deborah L. Arnesen for the Majority of Science, Technology and Energy.

MINORITY: Despite the sponsor's intent to educate consumers with regard to capital construction costs of Public Service Company of New Hampshire's plant, this bill will burden all utilities to calculate complex monthly construction costs for their portion of the Seabrook plant. The consumer's electric bill is the wrong medium to educate consumers about the cost of Seabrook. It will further create confusion and lead to a partial payment protest. Rep. Robert J. Scott, Jr. for Science, Technology and Energy.

Rep. Frederic Foss moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Re-Refer to Committee, and spoke to his motion.

Rep. Douglas Hall spoke against the motion.

A roll call was requested. Sufficiently seconded.

Reps. Sytek, Marilyn Campbell and Gross abstained from voting under Rule 16.

YEAS 123 NAYS 204  
YEAS 123

BELKNAP: Richard Campbell, Hardy, Holbrook, Locke, Randall, Thurston and Turner.

CARROLL: Gene Chandler, Russell Chase, Hounsell and Saunders.

CHESHIRE: Grodin, Morse, Parker, Perry, Pierce and Sawyer.

COOS: Brungot, Harold Burns, Coulombe, Frederic Foss, Horton, Marsh, Mayhew and Purrington.

GRAFTON: Blair, Christy, Ezra Mann, Stewart, Howard Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Barbara Arnold, Beaupre, Boutwell, Paul Dionne, Drolet, Dwyer, Clyde Eaton, Fields, Granger, Grip, Hatch, Healy, Humphrey, Keefe, Robert Kelley, Alice Knight, Kurk, Leclerc, Levesque, Mason, Bonnie McCann, McRae, Robert Murphy, Pariseau, Price, Rodgers, Routhier, Sallada, Shriver, Steiner, Stiles, Turgeon, Ware, Watson, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Laurent Boucher, Fraser, Gilbreth, Hayes, Kidder, Lockwood, Merton Mann, Pantzer and Philbrick.

ROCKINGHAM: Gordon Arnold, Benton, Carpenito, Cooke, Flanagan, Harry Flanders, John Flanders, Gourdeau, Robert Johnson, Roger King, Maurice MacDonald, Magoon, Malcolm, William F. McCain, Newell, Ritzo, Schmidtchen, Skinner, Splaine, Tufts, Vartanian, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Patricia Foss, Frechette, Jean, Robert Jones, Koromilas, Lachance, Lussier, Martling, Parks, Spear, Swope and Wilson.

SULLIVAN: Behrens, Flint, Krueger and Lindblade.

NAYS 204

BELKNAP: Bowler, Brown, Golden, Malcolm Harrington, Hawkins, Maviglio, Pearson, Lawrence Richardson and Wixson.

CARROLL: Allard, Dickinson, Robert Holmes, Kenneth MacDonald and Powers.

CHESHIRE: Clark, Cole, Daschbach, Jesse Davis, Delano, Daniel Eaton, Foster, Irvin Gordon, Hunt, LaMar, Matson, Miller, Ramsay, William Riley, Schwartz and David Young.

COOS: Brady, Kilbride, Lemire, Nelson and Oleson.

GRAFTON: Adams, Arnesen, Bean, Bennett, Chambers, Copenhaver, Crystal, Dearborn, Densmore, Driscoll, Michael King, Wayne King, Lougee, McAvoy and Wadsworth.

HILLSBOROUGH: Baker, Baldizar, Bass, Bowers, Buckley, A. Leslie Burns, Chretien, Cid, Cote, Cowenhoven, Cox, Daigle, Ann Derosier, William Desrosiers, Domaingue, Donovan, Dube, Ducharme, Dupont, Dykstra, Joseph M. Eaton, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Guilbert, Betty Hall, Marian Harrington, Holden, Chris Jacobson, Michael

Jones, Cornelius Keane, Donna Kelly, Korcoulis, Lanzara, Long, Lown, Lozeau, Messier, Moore, Morrisette, Mulligan, Nixon, Packard, Pappas, Paquette, Prestipino, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Leonard Smith, Soucy, Tarpley, Vanderlosk, Winn, Zajdel and Zis.

MERRIMACK: Asplund, Austin, Bardsley, Beaton, Cahill, James Chandler, Fillion, George E. Gordon, Hager, Douglas Hall, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Manus, Millard, Nichols, Phelps, Provencal, Rehlander, Walter Robinson, Stio, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Barnes, Blaisdell, Blanchard, Bucu, Butler, Eunice Campbell, Lawrence A. Chase, Jr., Conroy, Cressy, Cushing, Ellyson, Fesh, Beverly Gage, Thomas Gage, Gosselin, Haynes, Hoar, Hollingworth, Hynes, Joyce, George Katsakiores, Phyllis Katsakiores, Lovejoy, McGovern, McKinney, Palumbo, Parr, Pevear, Popov, Read, Rosencrantz, Sanderson, Seward, Sherburne, Sochalski, Tilton, Vaughn, Walker, Weddle, Wells and Wright.

STRAFFORD: Bates, Bernard, Callaghan, Casey, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Kincaid, William McCann, Pelley, Francis Robinson, Ann Torr, Ralph Torr, Wall and John Young.

SULLIVAN: Cutting, Ingram, McKee, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Re-Deferred to the Committee on Science, Technology and Energy.

HR 17, urging the Nuclear Regulatory Commission to deny the petition of Public Service Company of New Hampshire, et al., to reduce the 10-mile emergency planning zone in radius of the Seabrook Station nuclear power plant. Ought to Pass.

The Committee felt it is its obligation to protect the health and safety of the citizens of New Hampshire and the 10-mile emergency zone is necessary. Vote 12-0. Rep. William R. Matson for State-Federal Relations.

Reps. Sytek and Marilyn Campbell abstained from voting under Rule 16. Ordered to third reading.

HB 305-FN-A, relative to a public safety awareness commission and making an appropriation therefor. Inexpedient to Legislate.

The Committee has respect for the reasons for using seat belts and would like to see the use increase. The Committee is not enthusiastic about legislation making the practice compulsory, but feels that the idea of educating for the value of using them is good. The sum of money requested is too high and points toward compulsory wearing. Hopefully, other means of funding may be obtained. Vote 12-0. Rep. Irvin H. Gordon for Transportation.

Rep. Sochalski moved that the words, Re-Refer to Committee, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. George Gordon and Stewart spoke against the motion.

Rep. Pappas spoke in favor of the motion and yielded to questions.

Rep. Irvin Gordon spoke against the motion and yielded to questions. Motion lost.

Resolution adopted.

#### RECONSIDERATION

Rep. George Gordon moved that the House reconsider its action whereby it killed HB 305, and spoke to his motion.

Motion lost.

## COMMITTEE REPORTS (cont.)

HB 108-FN, relative to sunset review of the department of revenue administration - revenue collection. Ought to Pass with Amendment.

This is one of two Sunset bills dealing with the Department of Revenue Administration. The amendment (1) adds a new information function to the general functions of the department; (2) clarifies those provisions dealing with the confidentiality of department records, and (3) makes some housekeeping changes. Vote 15-0. Rep. Marian R. Harrington for Ways and Means.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to sunset review of the department of  
revenue administration - revenue collection,  
and relative to certain functions of the  
department of revenue administration.

Amend the bill by replacing section 1 with the following:

1 Sunset; Department of Revenue Administration - Revenue Collection Renewed. The department of revenue administration - revenue collection, PAU 010802 (formerly PAU 010902), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 General Functions. Amend RSA 21-J:1, II(b) to read as follows:

(b) Providing information collected through tax administration activities to the governor and general court for public policy decisions. This information shall not include material which identifies, or permits identification of, particular taxpayers.

{{(b)}}(c) Establishing a uniform system of financial reports and accounting for the state's political subdivisions.

4 New Paragraph; Hearing Appeals. Amend RSA 21-J:3 by inserting after paragraph XVII the following new paragraph:

XVIII. Hear appeals on disputed tax, penalty, and interest matters within the department's jurisdiction.

5 New Paragraph; Automated Information Management System. Amend RSA 21-J:6 by inserting after paragraph III the following new paragraph:

IV. Planning, developing, and implementing an automated information management system for the department to ensure efficient and effective administration of the responsibilities assigned to the commissioner. The systems developed under this paragraph shall be designed to support the department's tax administration activities and to provide analytic summaries of data obtained through the tax administration process.

6 Recovering Expenses. Amend RSA 21-J:10 to read as follows:

21-J:10 Assistance to Municipalities. The commissioner may assist any municipality in the appraisal and valuation of the taxable property therein upon written request by the proper municipal officers or when the municipality shall so vote[, and the reasonable expense of the department employees not to exceed the actual expense shall be paid to the department by such municipality. The reimbursements shall be credited to the appropriation for the department]. The department shall recover the full costs of providing such appraisal and valuation services, including the



direct and indirect costs of appraisal staff and indirect administrative and support costs.

7 New Subparagraph; Additional Exception. Amend RSA 21-J:14, IV(d) by inserting after subparagraph (3) the following new subparagraph:

(4) an officer or employee of the office of the legislative budget assistant, for purposes of conducting audits of the department's accounts and records as authorized under RSA 14:31, I and section 6103 (d) (2) (A) and (B) of the United States Internal Revenue code of 1954, as amended, this exception shall not be construed to authorize disclosure of confidential information to any member of the legislature or to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in carrying out his duties. The office of the legislative budget assistant shall maintain the confidentiality of any records which include an identification of particular tax returns, reports, or documents.

8 Confidentiality of Certain Records and Files. Amend RSA 21-J:14, IV to read as follows:

IV. The records and files deemed confidential and privileged under this section shall not include records or files related to the following areas of the department's activities:

(a) Municipal service and regulatory responsibilities including, but not limited to, responsibilities under RSA 21-J:9, except 21-J:9, I(e) and II, and RSA 21-J:15-24.

(b) Tax related statistics, reports, summaries or other data prepared by the department which do not identify, or permit identification of, particular tax returns, reports, or related documents.

[IV.]V. The following exceptions shall apply to this section:

(a) Delivery to a taxpayer or his duly authorized representative of a copy of any return or other papers filed by the taxpayer.

(b) Disclosure of department records, files, or returns to the United States Internal Revenue Service in accordance with compacts for the exchange of information between the department and the Internal Revenue Service, but only for the purpose of, and to the extent necessary in, the administration of federal tax laws, and related statutes.

(c) Disclosure of department records, files, returns, or information in a New Hampshire state judicial or administrative proceeding pertaining to state tax administration where the information is directly related to a tax issue in the proceeding, or the taxpayer whom the information concerns is a party to such proceeding, or the information concerns a transactional relationship between a person who is a party to the proceeding and the taxpayer.

(d) Disclosure to the following officers and employees of the state of New Hampshire:

(1) an officer or employee of the department for the purpose of, and only to the extent necessary in, the administration of the tax laws for which the department is responsible;

(2) an officer or employee of the state of New Hampshire to whom such disclosure is necessary in connection with the processing, storage, and transmission of such information, or the programming, repair, maintenance, testing, or procurement of equipment used to process, store, or transmit such information;

(3) a legal representative of the department who is directly engaged in a civil or criminal proceeding, or an investigation which may result in such a proceeding before a state administrative body, grand jury, or court, but only if the information is or may be related to the resolution of an issue in the proceeding or investigation or if:

(A) the taxpayer whom the information concerns is or may be a party to such proceeding; or

(B) the information concerns a transactional relationship between a person who is or may be a party to such proceeding and the taxpayer.

(e) Disclosure of department records, files, or returns to any other state in accordance with compacts for the exchange of information between the department and any other state, but only for the purpose of and to the extent necessary in the administration of tax laws of such other state.

[V.]VI. No exception in paragraph IV or V shall be construed to authorize disclosure to the governor of New Hampshire or a designee or representative of the governor of New Hampshire.

[VI.]VII. The commissioner of the department of revenue administration may limit disclosure of information to a greater degree than provided for herein when such further limitation is necessary to comply with compacts for the exchange of information with the Internal Revenue Service of the United States and any other state which has entered into a compact with the department as provided in RSA 21-J:14, [IV.]V.(e).

[VII.]VIII. Violation of this section is a misdemeanor and if the offender is an officer or an employee of the state he shall in addition be removed from his office or dismissed from his employment.

10 Repeal. RSA 21-J:7, III, relative to hearings and appeals by the director of audits, is repealed.

11 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews the department of revenue administration - revenue collection for 6 years.

As amended, the bill also:

(1) Adds a new information function to the general functions of the department.

(2) Removes the hearings and appeals function on disputed tax, penalty, and interest matters from the division of audits and places it under the duties of the commissioner.

(3) Requires the assistant commissioner, as supervisor of the administrative units, to plan, develop, and implement an automated information management system.

(4) Amends the costs recoverable by the department for assisting a municipality in the appraisal and valuation of taxable property.

(5) Adds an additional exception to the provisions dealing with confidentiality of department records.

(6) Defines what records or files shall not be considered confidential and privileged.

Amendment adopted.

Ordered to third reading.

HB 311-A, relative to the rehabilitation of the Westminster bridge on Routes 12 and 123 in the town of Walpole and making an appropriation therefor. Inexpedient to Legislate.

The Committee recognizes the merits of rehabilitating the Westminster bridge in the town of Walpole. Until the Walpole town officials meet and agree with the Vermont authorities on Vermont's responsibilities for the Western approach and/or the 5-6 feet of bridge which belongs to Vermont, there is no need to fund or pass this bill at this time. Vote 17-0. Rep. Warren L. Swope for Public Works.

Rep. Miller moved that the words, Re-Refer to Committee, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Pearson spoke in favor of the motion.  
Motion adopted.

HB 365-FN-A, relative to a motor vehicle excise tax system.  
Inexpedient to Legislate.

The sponsor was unable to obtain support material that he expected would be available and was also unable to be in attendance. Three persons testified in opposition. Vote 12-0. Rep. Irvin H. Gordon for Transportation.

Rep. Hayes moved that the words, Re-Refer to Committee, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Irvin Gordon spoke in favor of the motion.  
Motion adopted.

Rep. Scamman, for the entire membership, offered the following:

#### HOUSE RESOLUTION NO. 24

honoring Cindy Wilkins of Somersworth.

WHEREAS, in 1979, Cindy Wilkins began studying and competing in the sport of karate, quickly developing her talent and proficiency, earning in 1980, 1984 and 1985 the title of National Champion, bringing acclaim to herself, her school, and her community, and

WHEREAS, being a senior at Somersworth High School, Cindy Wilkins is the only woman in the community to have been proclaimed a National Champion in the sport of karate, and

WHEREAS, Cindy Wilkins is the first woman from Somersworth to have the honor and distinction of being named to the United States Karate Team, and

WHEREAS, Cindy Wilkins is the first woman from Somersworth to participate internationally in karate competition, in 1985 facing opponents from Japan and in 1986 facing opponents from Taipei, and

WHEREAS, Cindy Wilkins is one of just four women in the United States selected to represent the country at the 1987 World Cup Karate Championships in Budapest, Hungary between March 15th and March 23rd, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Cindy Wilkins be publicly recognized for her outstanding achievements and lauded for the dedication and hard work that made her a three-time National Champion, and be it further

RESOLVED, that Cindy Wilkins receive best wishes for a successful competition in Budapest, Hungary, and that a suitable copy of this Resolution be prepared for presentation to her.

Unanimously adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 12 at 1:00 p.m.

Adopted.

LATE SESSION  
Third reading and final passage

HB 26-FN-A, making an appropriation for the New Hampshire bicentennial commission on the United States Constitution.

HJR 1, relative to the New Hampshire agricultural experiment station.

HB 29, relative to the fees paid to municipal shelters or humane society facilities for unlicensed dogs held there.

HB 215-FN, relative to certain expenses for laying out a highway at the request of a petitioner.

HB 232-FN, relative to the homestead exemption for disabled veterans.

HB 458-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations.

HB 718, clarifying certain planning and zoning statutes.

HB 438, relative to applicants for armed security guard and armed private detective licenses.

HB 609-FN, relative to the New Hampshire National Guard.

HB 698-FN, requiring accessible polling places and voting booths for physically disabled and elderly persons.

HB 249-FN, relative to the shore frontage and acreage at the Laconia state school and training center.

HB 382, relative to boating law enforcement.

HCR 7, relative to the priority of employee claims in Chapter 11 bankruptcy proceedings.

HR 15, requesting the New Hampshire delegation to introduce legislation in Congress forbidding importation of radioactive waste material into the state of New Hampshire.

HB 294-FN-A, exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park.

HB 316-FN-A, permitting refunds for stamps destroyed after affixing to tobacco products.

HB 362-FN-A, relative to returns and taxable meals under the meals and rooms tax.

SB 31-FN-A, relative to the department of health and human services, and making an appropriation therefor.

HB 248, allowing the expulsion of unruly persons from horse and dog racetrack grounds.

HR 17, urging the Nuclear Regulatory Commission to deny the petition of Public Service Company of New Hampshire, et al., to reduce the 10 mile emergency planning zone in radius of the Seabrook Station nuclear power plant.

HB 108-FN, relative to sunset review of the department of revenue administration - revenue collection, and relative to certain functions of the department of revenue administration.

Rep. Palumbo moved that the House stand in recess.

Adopted.

The House recessed at 3:16 p.m.

RECESS

(Speaker in the Chair)

Rep. Emma Wheeler moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 11

*Thursday, 12Mar87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Holy God, we are deeply invested in the work we do here. We want to do it well. We become tied to particular issues and concerns.

We confess to You we sometimes become so zealous about our own priorities that we cease to listen to the ideas and dreams of others. By Your spirit, keep us open to whatever is good and right and faithful.

Grant, O source of truth, that we may remember Your wisdom in giving each of us two ears and one mouth. Amen.

Rep. Brown led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Manus, George Gordon, Boisvert, Schwaner, McKee, Wells, Malcolm, Pelley and Ralph Torr, the day, illness.

Reps. Maviglio, Hatch, Bass, McRae, Dykstra, Scott, Lionel Boucher, D'Amante, Burkush, John Young, Holbrook, Frink, Ducharme, Michael Jones, Tarpley and Crystal, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

## INTRODUCTION OF GUESTS

Paul Chatney, guest of Rep. Carl Anderson; Fay Sawyer, wife of Rep. Sawyer; Harry and Drusilla Peters, Richard and Karen Tassi, Clenna Emery, Robert and Nancy Brown, William and Jeanne Brock, Raymond, Linda, Karen and Aline Desjardins, Gerilyn McGivern, Robert and Diane Pelkey, Edward and Mary Trotter, Edmund and Linda Rioux, Sylvia Kelleher, Robert Jr. and Randa Brown, Kevin McGivern, Cathy Dionne, Tom Lowe, Adrienne Alix and Gloria Levesque, guests of the Hudson Delegation and Rep. Maurice Levesque.

Rep. Scamman, for the entire membership, offered the following:

## HOUSE RESOLUTION NO. 25

honoring the Grand National Champion Cheerleaders of  
American Legion Post 48 in Hudson.

WHEREAS, on December 30, the sixteen-member cheerleading team representing American Legion Post 48 in Hudson was crowned Grand National Champion in the Junior Varsity category at the 1986 International Cheerleading Foundation competition in Nashville, Tennessee, and



WHEREAS, winning the prestigious title marks the first time that the State of New Hampshire, the Town of Hudson and American Legion Post 48 has had the high honor of having a cheerleading team that is a Grand National Champion, and

WHEREAS, the team of achievers, prior to becoming the Grand National Champion, was crowned Regional Champion at the regional competition in Burlington, Vermont, and

WHEREAS, the championship team, made up of sophomores and juniors, is comprised of fourteen girls from Hudson and two girls from Litchfield, all of whom brought honor and acclaim to themselves, their communities and to Alvirne High School and the Presentation of Mary Academy, and

WHEREAS, under the leadership of coaches Drusilla Peters, Connie Ryan, Anita Morris, Karen Tassi and Denise Gendron, the championship team throughout the year, displayed a unity of spirit that was marked by unselfishness and a strong desire to succeed, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the cheerleaders and the coaches be publicly saluted and recognized for the hard work and dedication that made them champions, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to the team.

Unanimously adopted.

#### SENATE MESSAGES REQUESTS CONCURRENCE

SB 86-FN-A, relative to a memorial for Governor Sherman Adams.

SB 232-FN, relative to the board of barbering and cosmetology.

SB 197-FN, relative to alarm installers.

SB 193, reinstating the charter of United Energy Systems, Inc.

SB 123, amending the ward lines for the city of Portsmouth.

SB 57, relative to change of name and address of a corporation.

SB 69, enacting the uniform limited partnership act.

SB 70, amending article 8 of the uniform commercial code.

SB 71, adopting the uniform fraudulent transfer act.

SB 166-FN, abolishing the sunset review process.

SB 50, relative to damages from construction.

SB 56, relative to false impersonation of a law enforcement officer or investigator.

SB 102-FN, establishing a study committee to assess the need for enterprise zones.

SB 62, relative to counting absentee ballots in cities and towns which use voting machines.

SB 73, to revive the charter of the First Congregational Church of Salem.

SB 77-FN, enabling certain municipal bodies to participate in the joint promotional advertising program.

SB 95-FN-A, to reimburse the mediator of the Eideweiss-Madison negotiations, and making an appropriation therefor.

SB 48, relative to the appointment of certain town officers.

SB 234-FN, authorizing the commissioner of health and human services to transfer authority for operation of medical assistance programs.

SB 87, relative to the confidentiality requirement for explosive licenses.

SB 173, relative to disclosure of motor vehicle defects.

SB 218, relative to clean indoor air in restaurants.

SB 105-FN, relative to the central interagency motor pool study committee.

SB 233-FN, relative to capital budget requests for airports in the state.

SB 51, relative to airboats, mufflers, and decibel levels of boats.  
SB 72, relative to the industrial development authority and industrial development revenue bonds.

SB 130-FN-A, relative to the trust fund for the prevention of child abuse and neglect.

SB 214, relative to the allocation of the state's tax exempt private activity bond limit.

SB 21, relative to administrative inspection warrants.

SB 159, relative to the regulation of gasoline franchises.

SB 205, transferring the administrative authority for bingo.

SB 207-FN, relative to the funding of catastrophic illness from taxes on tobacco products.

SB 221-FN, relative to the due date for the meals and rooms tax return.

SB 148, relative to procedures for distribution of certain federal funds allocated to the state.

SB 43-FN, relative to regional banking.

SB 54, relative to the investment of non-profit health service corporations.

SB 58, granting Cheshire Fair security guards the authority to detain persons on Cheshire Fair property.

SB 65, repealing the authorization for a committee to investigate the confinement of children.

SB 90, relative to amusement parks.

SB 178, permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire retirement system.

SB 108, relative to immunity in criminal cases.

SB 136, relative to joint and several liability.

SB 115, relative to marriage.

SB 176-FN-A, changing financial disclosure requirements.

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 109-FN, relative to sunset review of coordinator of highway safety. (Amendment printed SJ 3/3)

Rep. Irvin Gordon moved that the House concur.  
Adopted.

#### CONCURRENCE

HB 162-FN, relative to sunset review of the board of tax and land appeals.

#### REQUESTS CONCURRENCE WITH AMENDMENT

HCR 10, adopting Joint Rules for the 1987-1988 session. (Amendment printed SJ 3/5)

Rep. Harold Burns moved that the House concur.  
Adopted.

Rep. Phelps moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 587-FN, relative to possession of marijuana, was removed at the request of Rep. Robert Jones.

HB 101-FN, relative to sunset review of the joint legislative committee on review of agencies and programs, was removed at the request of Rep. Betty Hall.

Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

HB 213, relative to guardians for minors and the correction of statutory references for certain appeals. Ought to Pass with Amendment. This bill allows retention of the court's jurisdiction to allow a minor to complete high school or until attaining his 21st birthday, whichever comes first. Intent is to waive or limit the permanent adoption of these children to protect the confidentiality of minors relatives to guardians of minors where courts can retain control after the term of minors guardianship has expired. Vote 16-0. Rep. Annette M. Cooke for Children, Youth and Elderly Affairs.

Amendment

Amend RSA 170-B:17, I, as inserted by section 2 of the bill by replacing it with the following:

I. An appeal from any final or interlocutory decree rendered by the court may be taken in the manner and time provided in RSA [567:1] 567-A, except that no appeal shall be allowed from any order or decree involving proceedings for adoption unless taken within 30 days from receipt of such order or decree. [However, such appeal shall be heard immediately and directly in the superior court of the county in which the probate court is located.]

Amend the bill by replacing all after section 2 with the following:

3 Confidentiality of Guardianship of Minors Proceedings. Amend RSA 463 by inserting after section 7 the following new section:

463:7-a Confidentiality of Proceedings.

I. The issue as to whether a guardian should be appointed for the proposed ward shall be determined by the court at a closed hearing. Only the parties, their witnesses, counsel, and representatives of the agencies present to perform their official duties shall be admitted.

II. Records, reports, and evidence submitted to the court or recorded by the court shall be confidential insofar as they relate to the personal history or circumstances of the minor and his family.

4 New Paragraph; Waiver of Social Study Requirement. Amend RSA 170-C:9 to read as follows:

170-C:9 Social Study Prior to Disposition.

I. Upon the filing of a petition, the court shall direct that a social study be made by the division for children and youth services or by any other authorized agency and that a report in writing of such study be submitted to the court prior to the hearing. The social study shall include the circumstances of the petition, the social history, the present condition of the child and parents, proposed plans for the child, and such other facts as may be pertinent to the parent-child relationship. The purpose of the social study is to aid the court in making disposition of the petition and shall be considered by the court prior thereto. Copies of the social study shall be made available to the parties' attorneys. The contents of said study shall be treated in a confidential manner so as not to injure any party.

II. If the petition is filed by one parent with respect to the other parent, the court may waive or limit the extent of the social study otherwise required by this section. In such cases, the age of the child shall be considered; as well as the alleged grounds for termination of parental rights; the length of time the child has lived with the step-parent, if any; and the wishes of the child, parents, and other persons found by the court to have an appropriate interest in the child.

5 Consultation with Agency. Amend RSA 170-B:14, III to read as follows:

11I. Notwithstanding the provisions of RSA 170-B:14, I and II, the court may proceed to hearing and decree without an investigation where the petitioner or petitioner's spouse is the natural parent of the child to be adopted. If the court has waived or limited the extent of a social study pursuant to RSA 170-C:9, II, the court may order the petitioners to consult with a child-placing agency licensed pursuant to RSA 170-E to consider whether adoption is in the best interests of the child subject to the petition and themselves.

6 Effective Date. This act shall take effect 30 days after its passage.

#### AMENDED ANALYSIS

This bill add circumstances where a court can retain control over a minor after the term for the minor's guardian should have expired.

The bill also updates the statute on appeals for adoption decrees.

As amended, the bill provides for a closed hearing for a court to determine whether a guardian should be appointed for a minor. It also provides that evidence used by the court shall be confidential.

The bill also allows a court to waive the social study requirement in termination of parental rights cases. It allows the court to order the petitioners in these cases to consult with a child-placing agency to consider whether adoption is in the best interests of the child.

The amendment also makes a technical correction in the bill.

HB 422-FN, creating a committee to study and revise the laws pertaining to elderly persons. Ought to Pass with Amendment.

This bill creates a committee including 4 members from the public (2 over 65 years of age) to identify needed revisions and additions to the laws pertaining to elderly persons. Vote 15-0. Rep. Raymond C. Wixson for Children, Youth and Elderly Affairs.

#### Amendment

Amend paragraph III of section 2 of the bill by replacing it with the following:

11I. Four members representing the interests of the elderly at least 2 of which shall be 65 years of age or older, to be appointed by the governor.

HB 481, relative to nutrition and medical treatment of children. Inexpedient to Legislate.

The present New Hampshire Child Abuse and Neglect Laws provide for the protection of children who are deprived of proper subsistence or care for their physical, mental and emotional health. Vote 16-0. Rep. Pamela B. Bean for Children, Youth and Elderly Affairs.

HB 559-FN, relative to drug testing of public employees. Re-Refer to Committee.

The Committee believes that this important subject deserves more study than could be given during this session. Vote 15-0. Rep. Joe B. Parks for Children, Youth and Elderly Affairs.

HB 606-FN, relative to lock-up of children. Re-Refer to Committee. This bill adds definitions to the Chapters on Delinquent Children and Child Caring and Placing Agencies to classify the meaning of various terms. It also provides for the use of alternatives to secure detention when temporarily holding delinquent children or children in

need of services. The Committee feels this bill needs more study since it cannot even be determined what the fiscal impact would be. Vote 15-0. Rep. Pamela B. Bean for Children, Youth and Elderly Affairs.

HB 699-FN, establishing a task force to study support services for families with developmentally disabled children. Ought to Pass with Amendment.

This bill establishes a task force to study and make recommendations to develop family support services, for the family and for the child, to enable the developmentally impaired child to remain in the home environment. The Committee believes there is a clear need for movement in this direction and is consistent with the newest approaches being implemented by the Division of Mental Health and Developmental Services. Vote 17-0. Rep. Monte D. Rehlander for Children, Youth and Elderly Affairs.

#### Amendment

Amend the bill by replacing section 2 with the following:

#### 2 Task Force Established.

1. There is hereby established a task force to study support services for families who have a developmentally impaired child. The members of the task force shall include the following:

- (a) One member appointed by the governor.
- (b) One member of the house of representatives appointed by the speaker of the house.
- (c) One member of the senate appointed by the president of the senate.
- (d) Two parents of developmentally impaired children appointed by the governor.
- (e) The director of mental health and developmental services or his designee.
- (f) A representative from the New Hampshire Developmental Disabilities Council appointed by the governor.
- (g) A representative from a community based area agency appointed by the director, division of mental health and developmental services.
- (h) The director of the bureau for special education services or his designee.

11. The appointed legislative members shall convene the first meeting of the task force no later than June 30, 1987. The task force shall select one of its members to act as chairman. The director of the division of mental health and developmental services shall designate staff to aid the task force in administering its duties.

Amend the bill by replacing section 6 with the following:

#### 6 Effective Date. This act shall take effect upon its passage.

HB 709-FN, relative to children's interagency dispute resolution. Ought to Pass.

This bill establishes a procedure for resolving disputes that arise between or among children's service agencies regarding who is responsible for providing services for a certain child, by providing interagency service teams to study each dispute as it arises and to reach a solution to the problem. Vote 17-0. Rep. Raymond C. Wixson for Children, Youth and Elderly Affairs.

HB 713-FN, relative to the definition of a delinquent child. Inexpedient to Legislate.



This bill redefines a delinquent child or juvenile delinquent, who may be tried as a delinquent child rather than an adult offender, as a person who commits an offense before reaching the age of 16 years. Currently, a person who commits an offense before reaching the age of 18 may be tried as a delinquent child. Unfortunately, this bill creates more problems and other problems would increase county budgets excessively. Vote 14-3. Rep. Josephine Mayhew for Children, Youth and Elderly Affairs.

HB 386, adopting the uniform trade secrets act. Inexpedient to Legislate.  
No need for the bill at this time. Vote 15-0. Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs.

HB 418, relative to mutual holding companies. Ought to Pass with Amendment.

This bill removes any special consideration for director's qualifying shares in reorganization of mutual savings banks into mutual holding companies. Vote 18-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by replacing all after section 2 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, abolishes a director's qualifying shares as a class of stock with special rights in the reorganization of mutual savings banks into mutual holding companies.

HB 446, relative to the registration of partnerships and corporations. Ought to Pass with Amendment.

The amendments all contribute toward clarifying and reinforcing the original intent of existing legislation concerning foreign corporations and foreign limited partnerships. Vote 13-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs

#### Amendment

Amend RSA 421-B:13, I-a, as inserted by section 3 of the bill by replacing it with the following:

1-a. Before the secretary of state may accept articles of incorporation for a new corporation under RSA 293-A, an application for a certificate of authority under RSA 293-A, a certificate of limited partnership for a new limited partnership under RSA 305, or an application for [registration of a foreign partnership] a certificate of authority of a foreign limited partnership under RSA 305-A, or an amendment to any of the foregoing relating to the authorized capital of a corporation or to the identity of the limited partners, the following requirements shall be met:

(a) A statement [has] shall be filed with the commissioner that the capital stock of the corporation or the interests of the limited partnership have been [either] registered, or when offered will be registered, under this chapter or [have been] are exempted, or when offered will be exempted [from registration], under this chapter[;], or are or will be offered in a transaction exempted from

registration under this chapter; and, in the case of a New Hampshire corporation or limited partnership, that the articles of incorporation or certificate of limited partnership state whether the capital stock or interests in the limited partnership will be sold or offered for sale within the meaning of this chapter. [If it is a new corporation, the statement shall be signed by the incorporators, and if it is a new limited partnership, the statement shall be signed by the intended general partner.] The statement shall be signed by the incorporators of a corporation to be formed, by an executive officer of an existing corporation, or by the general partners or intended general partners if a limited partnership.

(b) The commissioner [has certified] shall certify to the secretary of state that the requirements of subparagraph (a) have been met.

Amend the bill by replacing section 5 with the following:

5 Articles of Amendment; Certification by Secretary of State. Amend RSA 293-A:61 to read as follows:

293-A:61 Articles of Amendment.

I. The articles of amendment shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and shall set forth:

[I.](a) The name of the corporation[;].

[II.](b) The amendments so adopted[;].

[III.](c) The date of the adoption of the amendment by the shareholders, or by the board of directors where no shares have been issued[;].

[IV.](d) The number of shares outstanding, and the number of shares entitled to vote, and if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares entitled to vote of each such class[;].

[V.](e) The number of shares voted for and against the amendment, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each class voted for and against the amendment, respectively, or if no shares have been issued, a statement to that effect[;].

[VI.](f) If the amendment provides for an exchange, reclassification or cancellation of issued shares, and if the manner in which the exchange, reclassification or cancellation shall be effected is not set forth in the amendment, then a statement of the manner in which they shall be effected[; and].

[VII.](g) If the amendment effects a change in the amount of stated capital, then a statement of the manner in which it is effected and a statement, expressed in dollars, of the amount of stated capital as changed by the amendment.

II. The secretary of state shall not accept articles of amendment relating to the authorized capital of the corporation unless accompanied by the certification required by RSA 421-B:13, I-a(b).

6 Limited Partnerships; Amendment to Certificate. Amend RSA 305:26, V, to read as follows:

V. A certificate is amended or cancelled when there is file for record in the office of the secretary of state where the certificate is recorded (a) a writing in accordance with the provisions of paragraph 1 or 11, or (b) a certified copy of the order of court in accordance with the provisions of paragraph IV. The secretary of state shall not accept an amendment to the certificate relating to the identity of the limited partners, unless accompanied by the certification required by RSA 421-B:13, I-a(b).

7 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill modifies the registration process for foreign limited partnerships and corporations. Such organizations must apply for certificates of authority, similar to that which must be obtained by a new domestic corporation, rather than apply for registration.

This bill, as amended, provides that the secretary of state shall not accept an amendment to any certificate of authority unless such amendment is accompanied by the certification required by RSA 421-B:13, I-a(b).

HB 474-FN, relative to solicitations for charitable purposes. Ought to Pass.

This bill, requested by the Department of Justice, addresses an area where there has been widespread abuse - professional fund-raising. By requiring registration of fund raisers, it also gives the Attorney General authority to investigate charitable trusts. Vote 19-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

HB 515, relative to liens in favor of home health care providers. Ought to Pass.

This bill will allow home health care providers, licensed under RSA 151, who furnish medical or other services to patients injured by an accident, not covered by Workers' Compensation to have a lien, as do hospitals at present, on any payment received by the patient in a third party lawsuit for the payment of the patient's bills. Vote 18-0. Rep. Sara M. Townsend for Commerce, Small Business and Consumer Affairs.

HB 518, relative to enforcement of the underground utility damage prevention system. Ought to Pass.

This bill allows the Public Utilities Commission to request the Attorney General to institute legal action to enforce law. Vote 15-0. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

HB 152-FN, relative to sunset review of the board of education - administration and support. Ought to Pass.

It was the unanimous decision of the Committee that the Board of Education - Administration and Support - should be continued for another 6 years. Vote 14-0. Rep. E. Jane Walker for Education.

HB 153-FN, relative to sunset review of the board of education - financial aids. Ought to Pass.

The Committee felt financial aid to school districts in the way of building aid, Excellence in Education Initiative Programs and the administration of Foundation Aid is critical to the success of education in the State. The Board is controlling these programs effectively. Vote 14-0. Rep. Linwood N. Purrington for Education.

HB 154-FN, relative to sunset review of the board of education - special services. Ought to Pass.

This bill renews the State Board of Education - Special Services for 6 years, in agreement with the Sunset Review Report. Vote 14-0. Rep. Donna C. Kelly for Education.

HB 158-FN, relative to sunset review of the department of education - adult basic education. Ought to Pass.

It is recommended that Adult Basic Education should be renewed for another six years. This agency provides a valuable service. Recommendations of the Sunset Review Committee will be carried out by the Department of Education without legislative action. Vote 14-0. Rep. Charles B. Yeaton for Education.

HB 114-FN, relative to sunset review of dental board. Ought to Pass with Amendment.

This bill, as amended, renews the Dental Board of Examiners for six years; requires the Board to establish continuing education requirements to ensure continued competency; and allows the Board to hold preliminary hearings to facilitate the informal disposition of complaints. Vote 17-0. Rep. Douglas A. Lachance for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to sunset review of dental board and relative to continuing education and confidentiality of certain hearings by the dental board.

Amend the bill by replacing section 1 with the following:

1 Sunset; Dental Board Renewed. Dental board, PAU 020607 (formerly PAU 020610), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Rulemaking. Amend RSA 317-A:12, IX and X to read as follows:

IX. Procedures for the conduct of hearings consistent with due process; [and]

X. Procedures and policies for the investigation of disciplinary proceedings under RSA 317-A:17; and

XI. Continuing education requirements to ensure continued competency as defined by the board.

4 Preliminary Hearings Confidential. Amend RSA 317-A:17, V to read as follows:

V. [All records compiled by the board in connection with this section are confidential and privileged and shall not be used or available for use or subject to process in any civil proceeding.]

(a) Except as provided in subparagraph (b), hearings held under this section shall not be open to the public unless the person whose conduct is at issue requests an open hearing.

(b) The board may informally dispose of any complaint by stipulation, agreed settlement, consent order or default. The board may hold preliminary hearings to facilitate the informal disposition of complaints which, during the preliminary hearing, are found to be unwarranted or unjustified. The board shall follow the provisions of RSA 541-A:16, V in conducting such hearings. All such investigations and preliminary hearings shall be confidential and exempt from the provisions of RSA 91-A, provided that the board shall make public any action taken under RSA 317-A:17, II resulting from a preliminary hearing or investigation.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews the dental board for 6 years.

The bill, as amended, adds a continuing education requirement and allows the board to conduct confidential preliminary hearings.

HB 117-FN, relative to sunset review of board of medicine. Ought to Pass.

This regulatory board is doing a good job and it is imperative for public safety to continue the Board of Medicine. Vote 16-0. Rep. Ann M. Torr for Executive Departments and Administration.

HB 122-FN, relative to sunset review of board of psychologists. Ought to Pass with Amendment.

The amendment reduces the term of appointment for the Board members from five years to three years, staggers the terms of appointment, and stipulates that no Board member may serve more than two consecutive three-year terms. Vote 17-0. Rep. Phyllis M. Katsakiores for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Sunset; Board of Psychologists Renewed. Board of psychologists, PAU 020617 (formerly PAU 020624), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 Staggered Terms. Amend RSA 330-A:3 to read as follows:

330-A:3 Board. There shall be a board of examiners of psychologists consisting of 7 members: 2 certified psychologists; one associate psychologist; one teacher of psychology who has received a doctoral degree in psychology, is a member of the faculty of an accredited college or university in this state, and is actively engaged in the teaching of psychology; one certified pastoral counselor; one certified clinical social worker; and one public member; each to be appointed by the governor, with the approval of the council, to a term of [5] 3 years. Members shall be appointed to staggered terms. In order to effect staggered terms the public member and the associate psychologist shall receive initial appointments of one year; the certified pastoral counselor and certified psychologist shall receive initial appointments of 2 years, and one certified social psychologist, the doctoral level teacher of psychology and the certified clinical social worker members shall receive initial 3 year appointments. The board shall elect a chairman each year with no person serving consecutive terms as chairman. No member shall be appointed to more than 2 consecutive terms. Only board members provided for in this section shall have the authority to vote in board determinations.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews board of psychologists for 6 years.  
The bill as amended adds staggered terms for members of the board.

HB 624, relative to survivors' benefits of group I and group II members receiving disability retirement benefits. Ought to Pass with Amendment.

This bill relative to survivors' benefits of New Hampshire permanent firemen's retirement system members receiving disability retirement benefits, should have been under RSA 102:17, the old firemen's retirement system, but in the bill was put under the new system. This amendment removes "from the result of injuries received in line of duty." Under the old firemen's system, you had to die of what you



retired from, for the widow to continue receiving retirement benefits. Vote 17-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to survivors' benefits of New Hampshire  
permanent firemen's retirement system members  
receiving disability retirement benefits.

Amend the bill by replacing all after the enacting clause with the following:

1 Benefits Upon Member's Death. Amend RSA 102:17 to read as follows:  
102:17 In Case of Death or Disability. A permanent fireman accepting the provisions of this chapter, who shall have become permanently disabled from fire duty, because of injury received in line of duty, shall receive an annual sum equal to  $\frac{2}{3}$  his annual salary as defined in RSA 102:15, and in case of call, volunteer, or substitute firemen, who become permanently and totally disabled because of injury received in line of fire duty, an annual sum not to exceed \$1,250 per year. Firemen shall be acknowledged as performing their duty while actually covering a tour of duty within the station assigned, going to, returning from or working at a fire or other public emergency; when performing all work within the scope of employment of the firemen under the expressed or implied authority of a superior officer; and in such other cases as the board may from time to time decide to be for the public interest. The fact of permanent disability may be established by the certificate of physician designated by the board. In case a fireman accepting the provisions hereof shall die as the result of injury received in line of duty, his widow or if none, his minor child or children shall receive an annual sum equal to the compensation allowed for disability for either permanent or call fireman, as the case may be, until in case of a widow, she dies or remarries, or, in case of a minor child or children, the board in its discretion shall pay such sum as a joint and survivor annuity, until such child dies or attains the age of 18 years, and in case there is no wife, child or children under age 18 surviving such member, then to his totally dependent father or mother, or both, and the survivor of either one of them, as the board in its discretion shall determine, during dependency, and until remarriage of either. In case a retired member, whose retirement was the result of disability received in line of duty dies while on retirement [from the result of injuries received in line of duty], the payment of his retirement benefits shall continue to his widow until she dies or remarries, or children until they reach the age of 18 years[.], notwithstanding the cause of the retired member's death.

2 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

As amended, this bill provides that if a retired member of the New Hampshire permanent firemen's retirement system who retired due to a disability dies while on retirement, his beneficiaries shall continue to receive his retirement benefits, notwithstanding the cause of the retired member's death.

Referred to Appropriations.

HB 633-FN, relative to casual help employees of funeral directors.  
Ought to Pass with Amendment.

As originally presented, this bill was found to be unacceptable to the Committee. After carefully evaluating all the testimony, an amendment was prepared which addresses the two major problems dealing with unlicensed funeral employees and inspections. The unanimous vote of this Committee indicates a strong support and commitment to good public health and safety measures. Vote 14-0. Rep. Theodore J. Cusson, Sr. for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to unlicensed funeral home employees  
and funeral home inspections.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Rulemaking; Unlicensed Personnel Transporting Human Remains. Amend RSA 325:9 by inserting after paragraph IX the following new paragraph:

1X-a. The activities and duties of all unlicensed personnel employed in the removal and transportation of human remains;

2 Funeral Home Inspections; Frequency; Cause. Amend RSA 325:17 to read as follows:

325:17 Inspection. The board may inspect all places where funeral directing is conducted or where embalming is practiced[, provided that no]. No such place shall be inspected more frequently than twice yearly, unless the board shall find that just cause or evidence of repeated complaints exists.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

The bill, as amended, authorizes the state board of registration of funeral directors and embalmers to adopt rules regulating the activities of unlicensed personnel employed by funeral homes to remove or transport human remains. Under current law, the board may conduct only 2 inspections per year of funeral and embalming facilities. The bill adds the provision that more inspections may be conducted if the board has just cause or has received repeated complaints about a facility.

HB 144-FN, relative to sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles.  
Ought to Pass with Amendment.

House Bill 144, as amended, allows the Bureau of Off-Highway Recreational Vehicles to continue operating under the Department of Resources and Economic Development. All of the recommendations made by the Sunset Review Board were addressed by the Subcommittee working on this bill. Vote 13-0. Rep. David M. Scanlan for Fish and Game.

#### Amendment

Amend section 3 of the bill by replacing it with the following:

3 New Paragraphs; Bureau Responsibilities. Amend RSA 215-A:3 by inserting after paragraph VIII the following new paragraphs:

IX. The supervisor of the bureau shall submit an annual report to the chairman of the fish and game committee of the house of representatives and to the chairman of the development, recreation and environment committee of the senate which details the performance of the bureau during the previous year. This report shall be submitted on or before January 15 of each year.

X. The commissioner of the department of resources and economic development shall require the supervisor of the bureau and all personnel designated as peace officers to receive the appropriate police training as offered pursuant to RSA 188-F:22-32.

4 New Paragraph; Rulemaking. Amend RSA 215-A:3-a by inserting after paragraph II the following new paragraph:

III. Complete and specific procedures relative to the distribution of and requirements for obtaining funds from the grants-in-aid program established under RSA 215-A:23, V(a)(5).

5 Bureau Impact Study. RSA 215-A:3, IV, is repealed and reenacted to read as follows:

IV. The bureau shall also have the responsibility to make or participate in a continuing impact study on the effects of OHRV operations on erosion and other damage to the environment. If other state agencies are involved in an overall study of this nature, the bureau shall cooperate with such agencies, and maintain a record of all findings that pertain to OHRVs.

6 Environmental Study. The commissioner of the department of resources and economic development shall make a report to the general court on or before January 1, 1988, relative to the environmental study required by RSA 215-A:3, IV, and explain why this continuing study on the effect of the OHRV operations on the environment of the state has not been made available.

7 Permanent Employees. The 2 area supervisors employed as part-time employees of the bureau of off-highway recreational vehicles shall be made permanent full-time employees of the bureau with the designation of forest and park patrol officers.

8 Definitions. Amend RSA 188-F:23, I to read as follows:

I. "Police officer" means any appointed or elected employee of a police department or any appointed employee of a sheriff's department, the fish and game department, the bureau of off-highway recreational vehicles, department of resources and economic development, the department of safety, or any special agent appointed by the state liquor commission which is administered by the state or any of its political subdivisions and who is responsible for the prevention, detection or prosecution of crime or the enforcement of the penal, traffic, highway, boating, liquor or bingo, [and] lucky 7 and off-highway recreational vehicles laws of this state or any of its political subdivisions.

9 New Paragraph; Training Required. Amend RSA 188-F:27 by inserting after paragraph VII the following new paragraph:

VIII. Any department of resource and economic development, bureau of off-highway recreational vehicles employee who has the power to enforce the provisions of RSA 215-A and criminal laws under RSA 594 shall not be required to meet the requirements of paragraphs I and II; however any bureau of off-highway recreational vehicles officer serving as a forest and park patrol officer shall complete such limited programs as may be prescribed by rule adopted under RSA 541-A by the police standards and training council under this section. All bureau of off-highway recreational vehicles forest and park patrol officers serving under appointment as of January 1, 1987, shall not be required to take training in excess of 80 hours per year.

10 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill renews the department of resources and economic development - bureau of off-highway recreational vehicles for 4 years.

This bill, as amended, requires the supervisor of the bureau of off-highway recreational vehicles to make an annual report to the house fish and game committee and the senate development, recreation and environment committee relative to the performance of the bureau over the previous year.

The bill requires the commissioner of the department of resources and economic development to adopt rules relative to detailed procedures for applying for and distributing funds from the grants-in-aid program.

The commissioner shall also report to the general court on the continuing study of the environmental impact of OHRV's as required by RSA 215-A:3, IV.

The bill further requires the supervisor of the bureau and his personnel who serve as peace officers to receive police training.

The bill also makes the 2 part-time forest and park patrol officers as permanent full-time employees.

Referred to Appropriations.

HB 226, allowing the use of an historical weir for the taking of alewives. Re-Refer to Committee.

The Committee feels that the historical weir situation will be addressed in HB 503, which is in Subcommittee. The complexity of the problem needs the additional time that will be derived from re-referring it to Committee. Vote 15-0. Rep. Herbert R. Drake for Fish and Game.

HB 503, relative to regulation of existing weirs. Ought to Pass with Amendment.

The Committee has agonized in public hearing, Subcommittee, negotiations with the Fish and Game Department and the sponsors of HB 226 and HB 503 to come up with the bill before you which corrects a long-standing inequity in the area. The taking of alewives will be finally done in a manner acceptable to even the sponsor. Vote 14-0. Rep. William P. Boucher for Fish and Game.

## Amendment

Amend RSA 211:48-b as inserted by section 1 of this act by replacing it with the following:

211:48-b Use of Nets; Lamprey River.

I. No person shall use any type of net or weir for the taking of fin fish from the downstream side of the McCallen Dam to a line perpendicular with the 2 river banks from the north side of the Newmarket boat launch ramp except that the executive director of the New Hampshire fish and game department may permit netting as he deems necessary for propagation and scientific purposes.

II. Notwithstanding any rules to the contrary, except as limited by this section, any resident as defined in RSA 207:1, XXIII may set or use a net or weir in the remaining tidal portion of the Lamprey River or tributaries for the taking of alewives and bluebacks only to a point downstream to a point perpendicular with the 2 river banks from Shackfords point to Moody point in the town of Newmarket, provided that said person shall obtain a permit under rules as adopted in accordance with RSA 541-A which shall be granted by the executive director. Such permittee shall be required to submit a report under rules as adopted in accordance with RSA 541-A and said information shall be a public record. The executive

director shall report during the month of January to the house fish and game committee and the senate committee on development, environment and recreation of each year until 1992 as to the annual catch and the status of fisheries management programs in the Lamprey River.

III. No person shall set or use nets or weirs in the Lamprey River unless such nets meet the following requirements:

(a) No person shall set or arrange a weir at any time to an extent greater than from one shoreline to the thread of the stream, nor shall any person set or use any type net greater than 100 feet in total length from one shoreline outward to the thread of the stream. Such nets shall be stationary, pulled tight and straight and shall remain in a fixed position and the permittee shall be in attendance at all times.

(b) No person shall set or use a weir or net within 1,000 feet of another net. The distance between nets shall be measured in linear feet along the thread of the stream.

(c) No person shall take alewives (*alosa pseudoharengus*) and bluebacks (*alosa aestivalis*) from the waters of the Lamprey River by any method between sunrise Wednesday and sunrise Thursday of any week. During such period all nets shall be removed and a weir shall be constructed so that total escapement of all river herring shall occur.

(d) Use of nets, except weirs, shall be restricted to the period of sunrise to sunset.

IV. Any person who previously operated a weir during 1986 or who was exempt under the provisions of RSA 211:48, II shall have exclusive priority as to the location of such weirs. This section shall not interfere with those fishermen as described in RSA 211:48, II.

#### AMENDED ANALYSIS

This bill expressly authorizes the continued operation of existing fish weirs on the Lamprey River.

HB 233-FN, to permit citizens to sue state agencies to ensure the enforcement of statutes and rules over which the state agencies have enforcement authority. Inexpedient to Legislate.

The right to sue state agencies to ensure enforcement of obligations is part of the common law. This bill would have codified the right and, also, allowed the plaintiff to sue before exhausting available administrative remedies. Therefore, the bill would be unfair to state agencies and harmful to the administrative process. Vote 14-1. Rep. Thomas U. Gage for Judiciary.

HB 264, relative to the composition of the court accreditation commission. Ought to Pass with Amendment.

This bill permits the Supreme Court to designate someone to represent that Court on the Court Accreditation Commission. It also adds representatives of the district and probate courts to the Commission. Vote 16-0. Rep. Francis E. Robinson for Judiciary.

#### Amendment

Amend the bill by striking out all after the enacting clause and replacing it with the following:

1 Court Accreditation Commission; Membership. Amend RSA 490:5-a to read as follows:

490:5-a New Hampshire Court Accreditation Commission. There is hereby established the New Hampshire court accreditation commission to be appointed by the supreme court, and to consist of [5] 7 members, one of whom shall be designated by the supreme court as chairman. One such member shall be a layman, one shall be a member of the legislature at the



time of his appointment, one shall be a lawyer of experience in the trial of cases at all court levels, one shall be a justice of the superior court, [and] one shall be a justice of the supreme court or a designee of the supreme court, one shall be a justice of a probate court, and one shall be a justice of a district court.

2 Terms of Commissioners. Amend RSA 490:5-b to read as follows:

490:5-b --Term; Compensation; Retirement. The members of the commission shall each serve for a term of 3 year and shall receive no compensation for the performance of their duties hereunder, but they shall be reimbursed for mileage and other reasonable expenses actually incurred by them in visiting any court as provided for herein. Such reimbursement shall be made from the receipts of any court so visited on presentation of an invoice detailing the subject expenses. The mileage allowance shall be the rate then in effect as to other state officials and employees. [On any commissioner attaining the age of 70 years, his commission shall thereupon automatically terminate, and another person shall be appointed in his place.]

3 Effective Date. This act shall take effect January 1, 1988.

#### AMENDED ANALYSIS

This bill, as amended, allows a designee of the supreme court to serve on the court accreditation commission in lieu of a justice of the supreme court. This bill increases the membership of the court accreditation commission from 5 to 7 by providing that a justice of a probate court and a justice of a district court shall serve on the commission. This bill removes the current requirement that commissioners must retire at the age of 70 years.

HB 399, clarifying that the prison sentence for a second or subsequent DWI offense shall be served on 7 consecutive days. Inexpedient to Legislate.

This bill does the opposite of what the sponsor intended it to do. If enacted, it would repeal the "consecutive days" provision of the DWI law and allow weekend incarceration. The Committee does not want that; it would weaken the DWI law! Vote 14-0. Rep. Thomas U. Gage for Judiciary.

HB 401-FN, relative to video tape depositions. Re-Refer to Committee. The purpose and intent of video depositions was well-founded and unanimously passed by the House and Senate last session. That legislation called on the Supreme Court to make rules necessary to implement the video depositions. To date this has not been done. It is the feeling of the Committee that this is a delicate matter and the children involved are the most important aspect. Therefore, the Committee should take the necessary time to find the correct solution in getting these rules implemented so as to be certain all the county attorneys act in the best interest of the children of the State. Vote 16-0. Rep. DonnaLee M. Lozeau for Judiciary.

HB 414, relative to reckless conduct. Inexpedient to Legislate. This bill is identical to HB 69 previously found Inexpedient to Legislate on a 16-0 vote of the Committee, and which resolution was adopted on February 5. Vote 13-1. Rep. David E. Cote for Judiciary.

HB 425-FN, relative to the powers of the adult parole board and credits for good conduct. Ought to Pass with Amendment.

The bill makes it mandatory for the Parole Board to pay witnesses fees and expenses. It also prohibits parolees from serving less time on a

maximum sentence than they are required to serve on a minimum sentence which is a flaw in the current law. Vote 13-0. Rep. C. William Johnson for Judiciary.

#### Amendment

Amend RSA 651-A:17 as inserted by section 1 of the bill by replacing it with the following:

651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be entitled to a hearing before the board within 30 days, in addition to any preliminary hearing which is required under RSA 504-A:6. The parolee shall have the right to appear and be heard at the revocation hearing. The board shall have power to subpoena witnesses, pay said witnesses such fees and expenses as allowed under RSA 516:16, and administer oaths in any proceeding or examination instituted before or conducted by it, and to compel, by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda, papers or tangible objects of any kind. If the board, after a hearing, finds that the parolee has violated the conditions of his parole, violated the law, or associated with criminal companions and in its judgment should be returned to the custody of the commissioner of corrections, the board shall revoke his parole. A prisoner whose parole is revoked shall be recommitted to the custody of the commissioner of corrections.

HB 427, relative to the powers of arrest of probation-parole officers. Inexpedient to Legislate.

The Committee is convinced that the Probation Office has the power of arrest regarding probational parolees at this time so that the restatement of same in the section of RSA 21-H:8, VIII (a), (2) would be redundant. The further enhancement of arrest powers under a proposed RSA 71-H:8, VIII, (a), (3) would seem to create many more problems than it would solve. Vote 17-0. Rep. Stephen N. Cahill for Judiciary.

HB 428, providing adult probation-parole officers with powers of arrest in criminal matters. Inexpedient to Legislate.

This bill would cause local police departments to defend arrests done by persons who might not be properly trained in arrest procedures. It is unnecessary and problematic for law enforcement. Vote 18-0. Rep. Thomas U. Gage for Judiciary.

HB 444, relative to discovery in criminal cases. Inexpedient to Legislate.

The Committee heard a great deal of testimony all of which lead it to the conclusion that this bill was unnecessary. Vote 12-1. Rep. Donnalee M. Lozeau for Judiciary.

HB 499, relative to return of recovered property. Re-Refer to Committee.

The Committee believes this legislation has merit, but there are serious questions that must be answered before the Committee can pass favorably on this legislation. More time is needed than this session will allow. Vote 13-0. Rep. Beverly A. Hollingworth for Judiciary.

HB 516, relative to wiretapping in drug investigations. Inexpedient to Legislate.

The current system used in wiretapping whereby permission must come via the Attorney General's Office is working well. Testimony did not show any need to skip what the Committee felt was an important step in keeping with checks and balances. Vote 11-2. Rep. Donnalee M. Lozeau for Judiciary.

HB 579-FN, relative to combining the Peterborough and Jaffrey district courts. Ought to Pass with Amendment.

This bill sanctions a consolidation of the Peterborough and Jaffrey District Courts which was requested by town and court officials from both towns. The amendment clarifies the assignment of the justices of the combined court. Vote 16-0. Rep. Francis E. Robinson for Judiciary.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to combining the Peterborough and Jaffrey district courts and providing for the tenure of justices when judicial districts are combined.

Amend the bill by striking out all after section 2 and replacing it with the following:

3 New Section; District Courts; Justices and Special Justices; Tenure Following Consolidation of Districts. Amend RSA 502 by inserting after section 3-a the following new section:

502-A:3-b District Court; Justices, Tenure Following Consolidation of Districts. In those instances in which 2 judicial districts are combined, the justices and special justices of the respective courts shall continue to serve as justices or special justices of the newly created district and the senior justice of the 2 courts shall be designated the presiding justice of the district. Upon the retirement, resignation, disability, or removal of either justice or either special justice, the position shall be eliminated leaving one justice and one special justice position for the district.

4 Effective Date. This act shall take effect January 1, 1988.

#### AMENDED ANALYSIS

This bill combines the Peterborough district court and the Jaffrey district court as of January 1, 1988. The name of the combined court shall be the Jaffrey-Peterborough district court.

This bill, as amended, provides for the tenure of district court justices and special justices when 2 judicial districts are combined.

HB 584-FN, relative to the special justice of the Pelham municipal court. Ought to Pass with Amendment.

The Committee voted 18-0 to support the request of the Pelham legislator's and town officials that this bill be adopted. Rep. Francis E. Robinson for Judiciary.

#### Amendment

Amend section 1 of the bill by replacing it with the following:

1 Special Justice; Pelham Municipal Court. Upon the occurrence of a vacancy in the office of the justice of the Pelham municipal court, the special justice of the Pelham municipal court shall continue in office as a special justice of the Nashua district court, as authorized by RSA 502-A:3, and shall hold sessions in Pelham as authorized by RSA 502-A:3.

## AMENDED ANALYSIS

This bill, as amended, specifies that upon the occurrence of a vacancy in the office of the justice of the Pelham municipal court, the special justice of the Pelham municipal court shall continue in office as a special justice of the Nashua district court and shall hold sessions in Pelham.

HB 593-FN, providing for criminal penalties for persons who provide alcoholic beverages to minors. Inexpedient to Legislate.

This bill has serious flaws as written. The provision in this bill that prohibits sales to 2 or more minors instead of any minor appears to reflect an intent to prohibit parties rather than prevent sales of alcohol to minors. In any event, the Committee strongly believes that current law more than adequately handles the problem. Vote 14-0. Rep. Marc A. Chretien for Judiciary.

HB 605-FN, relative to the terms of persons committed to jails or houses of correction in default of payment of fines. Ought to Pass.

This bill may appear to be a cost of living bill for scofflaws. However, it will compensate persons committed to jail more fairly and reduce overcrowding in our county jails. Vote 15-3. Rep. Thomas U. Gage for Judiciary.

HB 642-FN, relative to approved furloughs and special purpose furloughs for prisoners. Re-Refer to Committee.

House Bill 642 introduces a new concept in prisoner rehabilitation. This would allow furloughs under supervision as part of the process that introduces releasees back into the social setting. The Committee believes that the idea deserves study in order to evaluate its value for the betterment of a prisoner. Vote 16-1. Rep. Alf E. Jacobson for Judiciary.

HB 643-FN, relative to compensation of jurors. Ought to Pass. The Committee feels that jurors are no less valuable than court witnesses and they should both be paid at the same rate. Vote 10-4. Rep. Daniel A. Eaton for Judiciary.

Referred to Appropriations.

HB 650-FN, directing the supreme court to establish a guardian ad litem compensation fund. Ought to Pass.

Testimony in favor of HB 650 stated that currently guardians ad litem are not compensated in the manner that they should be. Some have not been paid for as long as two years. This makes it difficult to find people to serve. The New Hampshire Supreme Court is in favor of this legislation. Vote 12-0. Rep. Beverly A. Hollingworth for Judiciary.

Referred to Appropriations.

HB 659-FN, relative to payment of court appointed counsel and court costs in certain cases. Ought to Pass.

Contrary to its title, this bill would require the State to pay court costs and guardian ad litem fees in proceedings to terminate parental rights pursuant to RSA Chapter 170 where the court finds that payment by the petitioner would work a financial hardship on the petitioner. Vote 15-0. Rep. David W. Hess for Judiciary.

Referred to Appropriations.

HB 665-FN, prohibiting the incarceration of alcohol abusers who have committed no criminal offense. Inexpedient to Legislate.

The Committee feels that passage of this bill would remove one alternative for the police to protect intoxicated individuals. Vote 11-3. Rep. Daniel A. Eaton for Judiciary.

HB 695-FN, relative to the insanity defense and committal orders. Ought to Pass with Amendment.

This bill was requested by the Department of Justice. Its purpose is to address a current problem with the gap between the verdict and the finding. It allows the court to commit a person after acquittal after it finds, by clear and convincing evidence, that the person's release creates a substantial risk of bodily injury or property damage. Upon said finding the court shall commit the person to the secure psychiatric unit for 5 years. Vote 16-0. Rep. Donnalee M. Lozeau for Judiciary.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to committal orders for persons found  
not guilty by reason of insanity.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Hospitalization of Persons Acquitted by Reason of Insanity. Amend RSA 651 by inserting after section 8-a the following new section:

651:8-b Hospitalization; Persons Acquitted by Reason of Insanity.

I. If a person is found not guilty by reason of insanity at the time of the offense charged, he shall be committed to the secure psychiatric unit until such time as he is eligible for release pursuant to paragraph IV.

II. A hearing shall be conducted not later than 40 days following a verdict of not guilty by reason of insanity, at which the defendant shall be represented by counsel. The state and the defendant shall be offered the opportunity to present evidence and to cross-examine witnesses who appear at the hearing.

III. Prior to the date of the hearing pursuant to paragraph II, the court shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, with copies provided to the defendant and to the attorney for the state.

IV. If, after the hearing, the court finds by clear and convincing evidence that the acquitted person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to himself or another, or serious damage to the property of another, the court shall commit the person pursuant to the provisions of RSA 651:9-a and RSA 651:11-a. The existence of clear and convincing evidence that a person's release would create a substantial risk of bodily injury to himself or another person or serious damage to the property of another shall be presumed, subject to rebuttal by the acquitted person, where the person has been found not guilty by reason of insanity of an offense involving bodily injury or serious damage to property of another, or substantial injury or damage.

2 Effective Date. This act shall take effect January 1, 1988.



## AMENDED ANALYSIS

This bill, as amended, provides for a full evidentiary hearing for any person found not guilty by reason of insanity. If, after the hearing, the court finds by clear and convincing evidence that the release of the acquitted person creates a substantial risk of bodily injury or property damage, the court shall commit the person to the secure psychiatric unit for 5 years.

This bill was requested by the department of justice.

HB 712-FN, relative to plea bargaining agreements in DWI cases. Inexpedient to Legislate.

At this time, the judge(s) has(have) complete authority to determine the merit of any and all pleas. Further, the bill would require that some elected officials would be subject to the discretion of appointed officials regarding the manner that they best see fit to administer in their political area. The Committee believes that the local electorate can best determine that issue. Vote 14-0. Rep. Stephen N. Cahill for Judiciary.

HB 227, requiring notification of late payments by subcontractors to unions. Ought to Pass with Amendment.

This bill requires unions or other persons responsible for receiving fund contributions, to notify the Labor Commissioner of nonpayment or late payment of fund contributions by subcontractors within 15 days. The Labor Commissioner shall notify the prime or general contractor within 15 days from the date of receipt of such notice that such contributions are overdue. This simplifies the Labor Commissioner's administration of the labor laws so that he can take prompt action to try to collect from the subcontractor. It is the Committee's intent that this bill have no effect on RSA 275:45, which makes the prime contractor responsible for payments which cannot be collected from the subcontractor. Vote 17-0. Rep. Lawrence J. Guay for Labor, Industrial and Rehabilitative Services.

## Amendment

Amend RSA 275:43, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. If a subcontractor who is responsible for making health and welfare fund or pension fund contributions fails to make such contributions within the 30 day requirement of paragraph I, the person designated to receive such contributions shall, within 15 days of the date the contributions became due, notify in writing the labor commissioner that the contributions are overdue. The labor commissioner shall notify the prime or general contractor within 15 days from the date of receipt of such notice that such contributions are overdue. The department of labor may pursue the general or prime contractor for such contributions only after all reasonable efforts have been made to secure the contributions from the subcontractor.

## AMENDED ANALYSIS

This bill, as amended, requires the person designated to receive health and welfare or pension fund contributions to notify the labor commissioner if a subcontractor misses a payment. The labor commissioner shall then notify the prime contractor.

HB 406, relative to the priority of unpaid employee wages in insolvency proceedings. Ought to Pass.

RSA 568:31, is a statute that was passed in 1885 and amended once in 1889. In the case of insolvency proceedings it limited the amount of wages due which could be reclaimed to \$50. One hundred years ago that was a large amount. The bill removes the \$50 limitation and adds the word employee to "operative, clerk or servant" as those to whom wages are due. Vote 15-0. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

HB 102-FN, relative to sunset review of office of legislative services. Ought to Pass with Amendment.

The Committee unanimously adopted the six recommendations of the Sunset Committee, as well as renewed the PAU for the Office of Legislative Services (OLS). The amendment repeals OLS's responsibility to provide staff support to policy committees; repeals reference to OLS approval of Committee expense manifests; repeals special Committee on Recodification of the RSAs; repeals outmoded language regarding appointment of the Director of OLS; repeals use of Assistant Attorneys General for bill drafting; repeals OLS's responsibility for printing of House and Senate bills. Vote 13-0. Rep. Vincent J. Palumbo, Jr. for Legislative Administration.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Sunset; Office of Legislative Services Renewed. Office of legislative services, PAU 010202, is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 Printing Bills. Amend RSA 14:39 to read as follows:

14:39 Proposed Bills. Any senator-elect or representative-elect, after the day of his election, may file with the director of legislative services any proposed bill he desires to introduce. The director shall notify, immediately after the biennial election, each senator-elect and representative-elect of the provisions of this section and of the bill drafting service available in the office of legislative services. The [director of legislative services] clerk of the house and of the senate, respectively, shall cause [eleven hundred] sufficient copies of each bill to be printed, and [, with the approval of the sponsor, he] shall make copies available to persons who request them.

4 Manifests; Special Committee Eliminated. Amend RSA 17-A:1, II and III to read as follows:

II. Pursuant to the direction of the president of the senate and the speaker of the house, to perform or cause to be performed, as circumstances will permit, research and drafting service requested by any committee of the general court in connection with the performance of its functions; to give such consideration to and service concerning any measure before the general court as circumstances will permit and which is in any way requested by the house or senate or any committee of the general court having the matter before it; and to assist and cooperate with any interim legislative committee or commission [, and to approve all manifests for the expenditure of funds by such interim committees and commissions]. Research and drafting assignments made to him by joint or concurrent action of the general court shall be given priority over other research and drafting requests received.

III. [Pursuant to the direction of the special committee consisting of the members of the joint committee on legislative facilities and the chairmen of the standing house and senate judiciary committees,]

The director shall perform a continuing review, revision and codification of the Revised Statutes Annotated, as amended, and all statutes of a public and general nature which are enacted at any session of the general court. [The special committee established by this paragraph shall establish priorities for carrying out such revision and codification duties, and they shall consult with the director on a continuing review and revision of the Revised Statutes Annotated and all other statutes of a public and general nature to arrange such statutes in a systematic, annotated and condensed form.] The director shall prepare legislation providing for the revision and recodification of such statutes, and any revisions and recodifications contained in such legislation shall take effect only after they have been enacted into law.

5 Appointment. Amend RSA 17-A:2 to read as follows:

17-A:2 Appointment. The joint committee on legislative facilities shall appoint the director of legislative services and fix his salary. He shall hold office for a term of 2 years coterminous with the biennial legislative term. [There first of said appointments shall be made for a term commencing on July 1, 1975, and ending at 12:01 a.m. on the first Wednesday in December, 1976.] He shall be chosen without reference to party affiliation and solely on the ground of his fitness, qualifications and experience to perform the duties of his office. In the performance of its duties under this chapter, said joint committee may act whether or not the general court is then in session; and 7 members thereof shall constitute a quorum.

6 Repeals. The following are repealed:

I. RSA 17-A:5, relative to assistance from the attorney general's office.

11. RSA 17-D:5, relative to assistance to permanent standing committees.

7 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews office of legislative services for 6 years.

The bill, as amended, removes and repeals certain obsolete provisions as recommended in the sunset report.

HB 676-FN, requiring that recordings and transcripts be made of all public legislative hearings. Inexpedient to Legislate.

The Clerk of the New Hampshire House addressed the Committee that he has very few requests for Committee proceedings. Because of storage, manpower, equipment and other related costs the Committee felt this bill would not effectively add to the legislative process. Vote 11-2. Rep. Beverly A. Gage for Legislative Administration.

HR 20, relative to establishing a committee to study the application of consensus building, dispute resolution, and conflict management as a step in the legislative process. Inexpedient to Legislate.

The Committee did not endorse a resolution to establish a Committee to study the application of consensus building, dispute resolution, and conflict management as a step in the legislative process. It was decided that a letter to the Speaker from the Committee to continue the intent of House Resolution 20 in an informal vein and to utilize National Conference of State Legislatures' procedures. Vote 13-0. Rep. Robert N. Kelley for Legislative Administration.

HB 53, relative to the filling of vacancies in combined water and sewer commissions. Inexpedient to Legislate.

The Committee found no compelling reasons for changing the existing method of electing/appointing sewer commissioners. Vote 17-0. Rep. Eugene W. Clark for Municipal and County Government.

HB 62, relative to establishing salaries of county officers. Ought to Pass with Amendment.

This bill gives the power to the counties to establish salaries for elected officers within the county prior to the filing date required under RSA 655:14. Vote 16-0. Rep. Roger C. King for Municipal and County Government.

#### Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Compensation. Amend RSA 23:7 to read as follows:

23:7 Establishing Compensation. Every county shall have the power to establish salaries and expenses or other compensation paid to the county attorney, [assistant county attorney,] sheriff, [chief deputy sheriff, deputy sheriffs,] register of deeds, treasurer, [deputy treasurer,] and county commissioners. Said salaries shall be established [not less than] biennially by the county convention prior to the filing date required under RSA 655:14 for the elected offices listed in this section, upon recommendation of the executive committee. Notwithstanding any other provision of law to the contrary, in counties in which any of the aforementioned officers receive fees and/or mileage for services performed by them as part of their compensation, the county convention may put such officer on a salary and expenses basis. Such officer may be required to continue to collect the usual fees and mileage for the service performed and to pay over all such fees and mileage to the county treasurer for the use of the county. In such event, the amount such officer received in fees and mileage, less expenses, shall be included in determining the minimum at which his salary may be established unless a lesser amount is agreed upon by the incumbent officer at that time. In no case shall the salary or other compensation of any of the aforementioned officers be established at a lesser amount than that which was in effect December 31, 1972; provided, that the salary of the Merrimack county sheriff be set as provided in RSA 104:29, X.

2 Deleting Reference to Salary and Expenses Basis. Amend RSA 104:3-e and 3-f to read as follows:

104:3-e Appointment of Deputy Sheriffs [on Salaries]. In any county in which the county convention establishes the office of deputy sheriff [on a salary and expenses basis pursuant to RSA 23:7,] the sheriff may appoint such number of deputy sheriffs, including a chief deputy sheriff, within the limits of the funds that may be appropriated for this purpose. In addition, he may appoint such special deputy sheriffs as he shall from time to time require. Such special deputy sheriffs shall receive as compensation for their services the fees as provided in RSA 104:31.

104:3-f Compensation for Deputy Sheriffs in Hillsborough County [on Salary and Expense Basis]. In Hillsborough county, all [deputy sheriffs shall be on a salary and expense basis pursuant to RSA 23:7. Said] deputy sheriffs shall turn over to the county treasurer all fees and mileage charges collected. The county delegation shall appropriate, not less than annually, sufficient funds to compensate said deputy sheriffs.

HB 187, to require a utility to submit a specific capital improvement plan before seeking exemption from interim zoning regulations. Inexpedient to Legislate.

The Committee feels that HB 644 solves the problem addressed by this bill. Vote 17-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 209-FN, relative to the conditions for receiving certain property tax exemptions. Inexpedient to Legislate.



House Bill 209 has some needed changes to the statutes, however, other legislation to follow will address this. Vote 16-0. Rep. David M. Perry for Municipal and County Government.

HB 381-FN, relative to growth limitations. Re-Refer to Committee. This bill is too complex an issue to be refined and corrected in the time available to the Committee. The concept of the bill is good; however, additional time is needed to make this bill fair and equitable for all. Vote 15-0. Rep. Kurt A. Normandin for Municipal and County Government.

HB 501, enabling planning boards to delegate subdivision approval for minor lot line changes to a municipal official. Inexpedient to Legislate. Although the testimony given at the public hearing favored the intent of this bill it was recommended that this bill required further study. Vote 15-0. Rep. Lionel Guilbert for Municipal and County Government.

HB 540-FN, relative to bingo and lucky 7 licenses. Ought to Pass with Amendment.

This bill clarifies the present law as to licensing procedures for Bingo and Lucky 7 tickets. Requested by the Department of Safety. Vote 15-0. Rep. Lynn C. Horton for Regulated Revenues.

#### Amendment

Amend RSA 287-E:6, II, as inserted by section 2 of the bill by replacing it with the following:

II. Except as provided in RSA 287-E:10-13, bingo licenses may be issued to a charitable organization to conduct bingo games only under the following conditions:

[I.](a) No more than one license shall be issued to a charitable organization per calendar month, and the license shall permit no more than 5 game dates of bingo in one calendar month. The license shall expire on the last game date authorized under said license.

[I-a.](b) The provisions of paragraph 1 notwithstanding, a license may be issued to a charitable organization per fiscal year, and the license shall permit no more than 5 game dates of bingo in one calendar month and no more than 60 game dates of bingo in one calendar year. The license shall expire on the last game date authorized under the license. Charitable organizations electing to receive an annual license under this paragraph shall be ineligible to receive concurrently a monthly license under paragraph 1, and charitable organizations licensed under paragraph I shall be ineligible to receive concurrently an annual license under this paragraph.

[II.](c) A license shall authorize games at specific times on specific dates at specific locations and may authorize bingo games to be conducted at carnivals.

[III.](d) No more than one licensed charitable organization may conduct bingo games at any one location on any specified date.

[IV.](e) A license shall not be transferable.

#### AMENDED ANALYSIS

This bill, as amended, establishes eligibility standards for charitable organizations which seek to be licensed under RSA 287-E to conduct bingo games. The bill provides that only charitable organizations may conduct bingo games at agricultural fairs.

The bill also provides that lucky 7 licenses shall only be valid for one location and that a separate license must be obtained for each location at which lucky 7 tickets are to be sold.



HB 420, restricting power boats on Pemigewasset Lake in the towns of New Hampton and Meredith. Ought to Pass with Amendment.  
This bill is divided into two sections. The first section limits the operation of any power boat equipped with any type of power motor to 10 horsepower or less on Hermit Lake. Section two requires the Division of Safety Services, Department of Safety, to hold a hearing and study boating safety on Lake Pemigewasset with recommendations to be submitted to the appropriate House and Senate Committees by December 1, 1987. Vote 10-2. Rep. Charles L. Vaughn for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

restricting power boats on Hermit Lake in the town of Sanbornton and requiring the division of safety services to make a study and hold a hearing relative to boating on Lake Pemigewasset in the towns of New Hampton and Meredith.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Hermit Lake. Amend RSA 486 by inserting after section 26 the following new section:

486:27 Hermit Lake. No person shall use or operate any power boat equipped with any type of power motor in excess of 10 horsepower upon Hermit Lake in the town of Sanbornton. Any person who violates this section shall be guilty of a violation.

2 Study of Lake Pemigewasset. The division of safety services, department of safety, shall conduct a study and hold a hearing relative to boating on Lake Pemigewasset with particular reference to any restriction of horsepower, prohibition of powered water skis and any other recommendations that are deemed to be necessary on restricting use of the lake. The division shall submit its recommendations to the house committee on resources, recreation and development and the senate committee on development, environment and recreation on or before December 1, 1987.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 1988.

II. Section 2 of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill restricts power boats on Hermit Lake in the town of Sanbornton to 10 horsepower or less.

The bill, as amended, requires the division of safety services, department of safety, to conduct a study and hold a hearing on boating on Lake Pemigewasset in the towns of New Hampton and Meredith with particular reference to any restrictions the division thinks are justified for safety and other considerations. A report is to be made to the house resources, recreation and development committee and the senate development, environment and recreation committee.

HB 421, permitting the appointment of alternate members to conservation commissions. Ought to Pass with Amendment.

Under this bill, conservation commissions, which currently are unable to appoint alternates, would be permitted to do so. Planning and zoning boards, have proven that alternates are helpful, and several

conservation commission chairmen testifying said alternates also would be useful to their boards. The amendment emphasizes that conservation commissions may spend funds which have been appropriated for their use without further action by the town. Vote 13-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

permitting the appointment of alternate members to conservation commissions, and clarifying the authority of conservation commissions to spend funds appropriated to them.

Amend the bill by replacing section 2 with the following:

#### 2 Conservation Commissions; Authority to Spend Appropriated Funds.

Amend RSA 36-A:5 to read as follows:

36-A:5 Appropriations Authorized. For the purposes of establishing and maintaining a conservation commission to promote the better utilization of our natural resources, as authorized by [section 2] RSA 36-A:2, a town or city may appropriate moneys as is deemed necessary. The whole or any part of money so appropriated in any year may be placed in a conservation fund and allowed to accumulate from year to year. Money may be expended from said fund for the purposes of this chapter by a conservation commission, pursuant to RSA 36-A:4, without further action or vote of approval by the city council in a city or the selectmen in a town.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill permits the appointment of alternate members to municipal conservation commissions. When an alternate serves on such a commission, he shall have full voting rights.

This bill, as amended, authorizes conservation commissions to expend funds appropriated to them without any further action or vote of approval by the city council or town selectmen.

HB 39, authorizing the director of motor vehicles to issue special vanity plates for amateur radio operators. Inexpedient to Legislate. The Committee has learned that there is already in existence a structure in the rule-making process of the Department of Safety that will allow the request of this bill to be handled. The Department of Safety has agreed to take care of the matter soon. Vote 12-0. Rep. Richard L. Haynes for Transportation.

HB 178-FN, to reduce the fee for vanity number plates. Inexpedient to Legislate.

The Committee felt this is not the proper time to reduce the fees on vanity plates due to the demands on the budget. The second part of the bill concerning the monies collected by the fee on vanity plates being used for fully funding the driver education programs is being addressed in another bill now being worked on by the Committee. Vote 12-0. Rep. Roger Stewart for Transportation.

HB 199 FN, relative to advance warning signs where speed bumps are located. Inexpedient to Legislate.

It was the feeling of the Committee that speed bumps and speed signs do have some merit, but could be hazardous. Most of these are on private property and would be better regulated at the local level. Vote 15-0. Rep. Richard L. Haynes for Transportation.

HB 275-FN, establishing a public investments study committee. Ought to Pass with Amendment.

This bill establishes a public investment study committee chaired by the State Treasurer who requested the legislation and who approved the amendment. The Committee's report with any proposed legislation must be submitted by September 15, 1987. Vote 14-0. Rep. Frederick G. Ahrens for Ways and Means.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Study Committee Established. There is hereby established a public investments study committee, which shall consist of the following members:

I. A member of the house of representatives, appointed by the speaker of the house of representatives.

II. A senator, appointed by the senate president.

III. Two persons who are knowledgeable in the investment field, appointed by the governor and council.

IV. One person to be appointed by the New Hampshire Government Finance Officers Association.

V. Two persons appointed by the New Hampshire Municipal Association, one representing towns and one representing cities.

VI. The executive director of the New Hampshire municipal bond bank.

VII. The state treasurer, who shall serve as chairman of the committee.

Amend the bill by replacing section 4 with the following:

4 Report. The committee shall submit a report, with any proposed legislation, to the governor, senate president, and the speaker of the house of representatives on or before September 15, 1987.

#### AMENDED ANALYSIS

This bill, as amended, establishes a 7-member public investment study committee to study and make recommendations concerning the investment of public funds. The committee shall report to the governor, speaker of the house, and senate president by September 15, 1987.

HB 335-FN-A, relative to the business profits tax on the sale of a corporation. Inexpedient to Legislate.

1. The Department of Revenue Administration indicated to the Committee that the number of incidents of this nature was minimal; 2. It would create an interest free loan; and 3. It might be unconstitutional. Vote 15-0. Rep. Frederick G. Ahrens for Ways and Means.

HB 431, relative to treasury deposits. Ought to Pass.

This bill provides that whenever the deposits of public moneys exceed the legal limits, the Treasurer shall take action within thirty days of notice to bring the deposits within such limits. Vote 14-0. Rep. Garret P. Cowenhoven for Ways and Means.

HB 618-FN, increasing the percentage of the real estate transfer tax returned to the register of deeds or the county. Inexpedient to Legislate.

This bill is a duplicate of House Bill 253. Neither of the sponsors testified in support nor was any other testimony given in regard to this bill. Vote 13-0. Rep. Kathleen W. Ward for Ways and Means.

COMMITTEE REPORTS  
(Regular Calendar)

HB 100-A, making appropriations for capital improvements. Ought to Pass with Amendment.

After three days of discussion on many amendments the Committee approved the final version on a vote of 13-1. Rep. James C. Chamberlin for Public Works.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sums hereinafter detailed are hereby appropriated for the project specified to the departments, agencies, and branches named:

I. Administrative Services

A. Health and human services building - HVAC, Phase II	\$ 2,400,000
B. Health and human services building - chemical storage facility	75,000
C. Renovations - Spaulding hall, New Hampshire hospital	<u>720,000</u>

Total paragraph I \$3,195,000

II. Department of Health and Human Services

A. Spaulding cottage - YDC - renovations, design	<u>420,000</u>
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Total paragraph II \$ 420,000

III. Department of postsecondary

vocational-technical education - instructional equipment for 1/MET and CET programs	<u>\$825,848</u>
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Total paragraph III \$ 825,848

IV. Department of Resources and

Economic Development

A. Land purchases	\$ 350,000
Less federal funds	<u>-350,000</u>

Total paragraph IV -0-

Total state appropriation section 1 \$ 4,440,848

2 Appropriation; University System of New Hampshire. The sum hereinafter detailed is hereby appropriated for the project specified:

1. University System of New Hampshire

A. Field house - additions	<u>\$3,800,000</u>
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Total state appropriation paragraph I \$ 3,800,000

Total state appropriation section 2 \$ 3,800,000

3 Expenditures; General. The appropriation made for the purposes mentioned in section 1 and the sums available for these project shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications thereof shall be awarded in accordance with the provisions of RSA 228.

#### 4 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the lowest bidders for a contract of the construction upon terms considered most advantageous to the university system. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

5 Land Acquisition. Any land acquired under the appropriations made in section 1 shall be purchased by the commissioner of transportation with the approval of governor and council.

6 Architectural Requirements. No new building authorized by this act shall be constructed without meeting life safety code requirements, handicapped architectural barrier free code requirements, and energy conservation code requirements.

#### 7 Bonds Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$8,240,848 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

8 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state.

9 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purpose of section 2.



10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available, for any project under section 1 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 9 shall be reduced by the same amount.

11 Transfers. The individual project appropriations provided in section 1 shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source.

12 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by section 1 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 9 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

13 Appropriation; Mental Health Facilities Improvement Program. Amend 1985, 409:23 to read as follows:

409:23 Appropriation; Mental Health Facilities Improvement Program. The sums hereinafter detailed are hereby appropriated for the project specified to the departments, agencies and branches named:

I. Health and human services

A. Central psychiatric hospital

[\$21,500,000]

\$22,150,000

B. Community care facility

2,000,000

Total state appropriation section 23

\$23,500,000]

\$24,150,000

14 Bonds Authorized. Amend 1985, 409:26 to read as follows:

409:26 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in section 23 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$23,500,000] \$24,150,000 and for said purposes may issue bonds and notes in the name and on behalf to the state of New Hampshire in accordance with the provisions of RSA 6-A.

15 Appropriation; Department of Safety. Amend 1985, 409:3 to read as follows:

409:3 Appropriation; Department of Safety and [Public Works and Highways] Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Safety

A. Addition and new roof, Hayes building - Concord

\$1,300,000

B. New troop station-Milford

1. Land acquisition

\$ 100,000

2. Design and construction

[200,000]

400,000

C. Garage, troop A - Epping	50,000
Total state appropriation paragraph I	[\$1,650,000]
	\$1,850,000

II. [Public works and highways] Transportation	
A. Renovations to John O. Morton building - Concord (no part of this appropriation shall be used for the construction of shower facilities)	\$ 245,000
B. CAD system - Concord	950,000
C. Statewide fuel distribution system	340,000
Total state appropriation paragraph II	\$1,535,000
Total state appropriation section 3	[\$3,185,000]
	\$33,385,000

16 Bonds Authorized. Amend 1985, 409:11, I as amended by 1985, 211:13 and 1986, 209:9 to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$22,886,620] \$23,086,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

17 Lapse Date Extended; Department of Resources and Economic Development. The appropriations made to the department of resources and economic development in 1985, 409:1, IX, A, for renovations and improvements at Mount Sunapee and Cannon Mountain, and 1985, 409:1, IX, G, power and water at the state campgrounds, are extended to June 30, 1989.

18 Lapse Date Extended; Department of Health and Human Services. The appropriations made to the department of health and human services by the following are hereby extended until June 30, 1989:

I. 1985, 409:1, VI, E, boiler breeching replacement - YDC.

II. 1985, 409:1, VI, F, safety improvements - Friendship house - Manchester.

III. 1985, 409:1, VI, G, smoke detectors - YDC.

19 Lapse Date Extended; Youth Development Center. The following appropriations to the youth development center are hereby extended until June 30, 1989:

I. 1983, 423:1, X as amended by 1985, 44:20 and 1985, 44:21, priority maintenance projects.

II. 1981, 565:20, V as amended by 1982, 38:16 and 1985, 44:20 and 1985, 44:21, renovations to King and East Cottages.

20 Lapse Date Extended; State Veterans Home. The lapse date for 1985, 409:1, XI, B, site evaluation for state veterans cemetery, is hereby extended to June 30, 1989.

21 Effective Date. This act shall take effect upon its passage.

Rep. James Chandler explained the report.

Amendment adopted.

Referred to Appropriations.

HB 200-A, making appropriations for capital improvements. Ought to Pass with Amendment.

The appropriations in HB 200 were derived after careful and deliberate consideration. Committee discussion on each and every item contained in the subject bill was voted upon and approved dollar amounts as itemized. Vote 8-7. Rep. Eugene Ritzo for Public Works.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General		
A. Replace 30 underground tanks	\$ 496,900	
Less federal	- 140,850	
Net appropriation subparagraph A	\$ 356,050	
B. Roof repairs - 6 armories	195,180 *	
C. Roof and runway - flight facility	51,000	
Less federal	-38,250	
Net appropriation subparagraph C	<u>12,750</u>	
Total state appropriation paragraph I		\$ 563,980
II. Administrative Services		
A. Renovate Johnson hall - Life safety code - New Hampshire Hospital	\$ 432,000	
B. Exterior renovations - purchase and property warehouse	90,000	
C. New Hampshire Hospital computer system	400,000 *	
D. Replace flooring - Old Mill #1 - Claremont	50,000	
E. Renovate Walker building - New Hampshire Hospital	2,200,000	
F. Automated information system - state library		
1. Lines and microwave	46,400	
2. Equipment	\$ 462,642	
Total state appropriation paragraph F	\$ 509,042	
G. DIS - Air conditioning	38,000	
H. DIS - Halon extinguisher system	<u>30,000 *</u>	
Total state appropriation paragraph II		\$ 3,749,042
III. Alcohol and Drug Abuse		
A. Alcohol and drug treatment facility at Laconia State School - renovations	\$ 350,000	
Total state appropriation paragraph III		\$ 350,000
IV. Attorney General		
A. Medical examiner lab at site of the Police Standards building	\$ 1,000,000	
Less penalty assessment fund	- 400,000	
Net appropriation paragraph A	<u>600,000</u>	
Total state appropriation paragraph IV		\$ 600,000
V. Corrections		
A. Female facility	\$ 1,300,000	
B. Phase IV-B prison	<u>17,025,000</u>	
Total state appropriation paragraph V		\$18,325,000
VI. Fish and Game.		
A. Milford fish hatchery		
Finish well system redevelopment	\$ 195,000	
Total state appropriation paragraph VI		\$ 195,000
VII. Health and Human Services		
A. TCF - Equipment and furnishings - New Hampshire Hospital	\$ 3,316,000	
B. Brown ICF Renovations - New Hampshire Hospital	430,000	
C. Glencliff home for the elderly		
1. Perimeter chain link fence	\$ 45,000	
2. Rewiring of Brown Building	100,000	
3. Replace one boiler at Glencliff	150,000	
4. Brown Building - window replacement	125,000	

5. Laundry sprinkler system	12,000	
6. Paving of dirt parking lot, minor road repairs	17,200	
7. One 10,000 gallon fiberglass gasoline tank	<u>20,000</u>	
Total subparagraph C	\$ <u>469,200</u>	
Total state appropriation paragraph VII		\$ 4,215,200
VIII. Judicial Branch		
A. Nashua court house - construction	\$ 7,500,000	
B. Carroll county superior court building		
1. Purchase	1	
2. Handicapped access	<u>25,000</u>	
Total subparagraph B	\$ <u>25,001</u>	
Total state appropriation paragraph VIII		\$ 7,525,001
IX. Port Authority		
A. Dredging pier (N.W. end)	\$ 66,000	
B. Dredging of Portsmouth Harbor and the Piscataqua River	18,700,000	
Less federal	<u>-14,000,000</u>	
Net appropriation paragraph B	\$ <u>4,700,000</u>	
Total state appropriation paragraph IX		\$ 4,766,000
(The appropriation for the water improvement project in paragraph IX, B shall be used to widen the maneuvering area between the 2 vertical lift bridges from 600 feet to a maximum of 1000 feet; widen by 100 feet the northern limit of the channel adjacent to Badgers Island; and widen the southern limit of the channel at Goat Island from 400 to 550 feet.)		
X. Postsecondary Vocational-Technical Education		
A. NHVTC - Claremont		
1. Roof repairs	\$ 113,500	
2. Mini computers for allied health programs	<u>16,803</u>	
Total appropriation subparagraph A	\$ <u>130,303</u>	
B. NHTI - Concord		
1. Cafeteria remodeling	\$ <u>280,000</u>	
Total appropriation subparagraph B	\$ <u>280,000</u>	
C. NHVTC - Laconia		
1. Roof repairs	\$ 110,000	
2. 3 color flex graphic press	30,000	
3. Saddle stitch binder	<u>25,000</u>	
Total appropriation subparagraph C	\$ <u>165,000</u>	
D. NHVTC - Manchester		
1. Roof repairs	\$ 100,000	
2. Parking lot	140,000	
3. Twin post frame lifts	<u>30,000</u>	
Total appropriation subparagraph D	\$ <u>270,000</u>	
E. NHVTC - Nashua		
1. Pollution control automotive engine diagnostic unit	\$ 32,000	
2. 3 - Axis CNC mill machine	<u>47,000</u>	
Total appropriation subparagraph E	\$ <u>79,000</u>	
F. NHVTC - Stratham		
1. Hunter C-111 alignment equipment	\$ 22,000	
2. Three engine lathes	<u>49,000</u>	
Total appropriation subparagraph F	<u>71,000</u>	
Total appropriation paragraph X		995,303
XI. Resources and Economic Development		
A. Peabody Slopes base lodge and associated facilities - Cannon Mt.	\$ 1,370,000	
B. Cannon Summit - sewage	150,000	

C. Mt. Washington - sewage	500,000	
D. Kingston Park - well	10,000	
E. Lake Francis - well	10,000	
F. Wadleigh - well	10,000	
G. Moose Brook - sewage	30,000	
H. Underground tanks	<u>100,000</u>	
Total state appropriation paragraph XI		\$ 2,180,000
XII. Secretary of State/Records Management and Archives		
A. Addition to records and archives building	\$ 951,350	
B. Insulate and replace roof covering archives building	<u>60,000*</u>	
Total state appropriation paragraph XII		\$ 1,011,350
XIII. Veterans Home		
A. Fifty bed nursing home	\$ 4,700,000	
Total state appropriation paragraph XIII		\$ 4,700,000
Total state appropriation section 1		\$49,175,876
* To be 5 year bonds.		

2 Appropriation; University System of New Hampshire. The sums hereinafter are hereby appropriated for the projects specified:

I. University System of New Hampshire		
A. Asbestos removal	\$ 300,000	
B. Life safety and handicapped	125,000	
C. Plymouth State College - Memorial Hall renovation, design and construction	1,320,000	
D. New Hampshire public television - equipment	<u>700,000</u>	
Total state appropriation section 2		\$ 2,445,000

3 Appropriation; Departments of Safety and Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Safety		
A. Radio study	\$ 100,000	
Total state appropriation paragraph I		\$ 100,000
II. Department of Transportation		
A. State wide fuel program	\$ 509,100	
B. CAD/D Phase II	<u>\$ 600,000</u>	
Total state appropriation paragraph II		\$ 1,109,100
Total state appropriation section 3		\$ 1,209,100

4 Appropriation; Self-Liquidating Revenue Bonds; Police Standards and Training Council. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Police Standards and Training Council		
A. Academic wing addition	\$ 570,000	
Total appropriation paragraph I		\$ 570,000
Total state appropriation section 4		\$ 570,000

5 Appropriation; Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Fish and Game.		
A. Rearing pond and raceway covers	<u>75,000</u>	
Total state appropriation paragraph I		\$ 75,000
Total state appropriation section 5		\$ 75,000

6 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3, 4, and 5 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.



7 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university system. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

8 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, 4, and 5 shall be purchased by the commissioner of transportation with the approval of governor and council.

9 Architectural Requirements. No new building authorized by this act shall be constructed without meeting life safety code requirements, handicapped architectural barrier free code requirements, and energy conservation code requirements.

10 Bonds Authorized.

1. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 5 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$52,904,976 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

11 Payments.

1. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state.

11. The payment of principal and interest on bonds issued for projects in section 3 shall be made from the highway fund.

111. The funds for the purpose of section 4, the design and construction of an academic wing addition at the police standards and training academy, shall be a direct charge against the penalty assessment fund.

IV. The payment of principal and interest on bonds issued for projects in section 5 shall be made from the fish and game fund.

12 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purpose of section 2.

13 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available, for any project under sections 1, 3, 4, and 5 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 10 shall be reduced by the same amount.

14 Transfers. The individual project appropriations as provided in sections 1, 3, 4, and 5 shall not be transferred or expended for any other purposes; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section, provided prior approval of the capital budget overview committee is obtained.

15 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, 4, and 5 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 10 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

16 Water Supply and Pollution Control Commission. Amend 1983, 423:1, IX to read as follows:

IX. Water Supply and Pollution Control [Commission] -	
Regional waste treatment facilities -	
Winnepesaukee river basin	\$ 6,660,000
less federal	[4,995,000]
	-2,995,000
less local	- 333,000
Total paragraph IX	\$[1,332,000]
	3,332,000

17 Bonds Authorized. Amend 1983, 423:8 as amended by 1985, 44:19 and 1985, 390:3 to read as follows:

423:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$22,487,345] \$24,487,345 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for section 1, I, B; II, E; III, B, C, D, E(1), (2), and (4), F, G; IV, A(4); VI, A-D, and F; VII, B; X, A-J; section 3, I, B; II, D and E; section 4, I, A-C; shall have a maturity of 5 years from date of issue.

18 Appropriation; Fish and Game Regional Offices. 1985, 409:1, V as amended by 1986, 211:2 is repealed and reenacted to read as follows:

## V. Fish and Game

A. New headquarters facility - Concord, \$1,600,000 design and construction	
B. Regional Offices - Durham (to be 1,650,000 built on state owned property); Laconia (to be built on state owned property); Lancaster; Keene	
Less federal	- 550,000
	\$1,100,000
C. Computer system - headquarters - Concord	\$ 90,000*
Total state appropriation paragraph V	\$3,340,000

(No expenditure may be made from the appropriation made in section 1, V, A or B until such time as the fish and game commission has developed an action plan and received the approval of such plan from both the capital budget overview committee and the governor and council. The sums appropriated in section 1, V, B may be transferred, by governor and council, with the prior approval of the capital budget overview committee, from one regional office to another to allow and maximize the potential use of federal matching funds. Any short fall in matching federal funds for the appropriation made in section 1, V, B shall be a charge against the fish and game fund.)

19 Bonds Authorized, Total Changed. Amend 1985, 409:11, 1 as amended by 1986, 209:9, 1986, 211:13, and 1986, 211:27 to read as follows:

1. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$22,886,620] \$23,436,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

20 Lapse Date Extended; Department of Corrections. The lapse date in the amount of \$775,000 unexpended from 1985, 409, V, C, Phase IV, construction, New Hampshire state prison, is hereby extended to June 30, 1989, and allocated to Phase IV-B in section 1, paragraph V, B of this act so that the total available for said project shall be \$17,800,000

21 Lapse Date Extended; Department of Administrative Services. The lapse date for 1985, 44:1, IV, A and B as amended by 1986, 211:30, purchase and enhancements of the federal district courthouse - Littleton, and purchase and enhancement of federal post office, N. Main St., Rochester, is hereby extended until January 1, 1988.

22 Lapse Date Extended; Liquor Commission. The lapse date for 1985, 409:1, VII, C, computer system enhancements, is hereby extended through June 30, 1989.

23 Repayment of Construction Costs; Dredging of Portsmouth Harbor and Piscataqua River. The state shall repay an additional 10 percent of the total cost of construction for the dredging of Portsmouth Harbor and the Piscataqua River, as authorized by section 1, paragraph IX of this act, over a period of not more than 30 years from the date of project completion. The governor is authorized to draw his warrant for said sums for repayment out of any money in the treasury not otherwise appropriated. The repayment shall include interest at a rate to be determined by the Secretary of the Treasury.

24 Effective Date. This act shall take effect July 1, 1987.

Rep. Pearson explained the report and yielded to questions.

Amendment adopted.

Referred to Appropriations.

## OPINION OF THE JUSTICES (HR 23)

The following resolution, House Resolution No. 23, requesting an opinion of the justices, was adopted by the House of Representatives on March 3, 1987, and filed with the Supreme Court on March 4, 1987:

"Whereas, House Bill 70, an act prohibiting homosexuals from adopting, being foster parents, or running day care centers, has been introduced and is now pending before the house of representatives for consideration; and

Whereas, HB 70 prohibits homosexual foster parents from adopting a child; prohibits the granting of a license to be a foster family to any family in which one or more of the adults is homosexual; and prohibits the granting of a license to operate a day care center to any applicant who is a homosexual; and

Whereas, HB 70 establishes an irrebuttable presumption that homosexuals are unfit to serve as foster parents, adoptive parents, and to be licensed to operate day care centers; and

Whereas certain questions have arisen concerning the constitutionality of HB 70; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court are respectfully requested to give their opinion on the following questions of law:

1. Does HB 70 violate the equal protection clause of either the United States Constitution or the New Hampshire Constitution?
2. Does HB 70 violate the due process clause of either the United States Constitution or the New Hampshire Constitution?
3. Does HB 70 violate the rights of privacy of either the United States Constitution or the New Hampshire Constitution?
4. Does HB 70 violate the freedom of association under either the United States Constitution or the New Hampshire Constitution?
5. Does HB 70 violate any other provisions of the United States Constitution or the New Hampshire Constitution?

That the clerk of the House of Representatives transmit copies of this resolution and HB 70 to the Justices of the New Hampshire Supreme Court."

The following reply was returned:

To The Honorable House of Representatives:

On March 4, 1987, this court received a resolution from the House of Representatives requesting an Opinion of the Justices. The resolution requests that the justices give their opinion on five questions concerning the constitutionality of HB 70, a bill that would prohibit homosexuals "from adopting any person, from being licensed as [members] of a foster family, and from running day care centers."

The court respectfully requests that it be excused from giving an opinion at this time. Because the bill does not define "homosexual," in order to render an opinion about the constitutionality of HB 70, we would have to supply our own definition to resolve the uncertainty about the scope of the legislature's possible intent in using that term.

While "homosexual" is understood generally to refer to a person who sexually prefers another of his or her own sex, the court does not know how broadly or narrowly the house of representatives would desire that definition to be applied in administering the statute. For example, should "homosexual" be limited to those currently engaging in physical homosexual practices, should it apply to any person who has ever at any time engaged in such a practice or could it apply to a person who considers himself or herself to be a homosexual but who has never performed a homosexual act? Should homosexual practices include any form

of sexual contact, as defined in RSA 632-A:1, IV, or should "sexual penetration," as defined in RSA 632-A:1, V, be required? Should "homosexual" refer to a bisexual person?

Without a more definite statement of the house's perception of the disqualifying homosexuality, it would be difficult to provide a useful answer to the questions. Our only alternative would be speculation about the scope of the sponsors' intended purpose, which would render our answers so hypothetical as to lack practical value. Moreover, the definition to be given the term "homosexual" involves questions of policy which in this context are the sole prerogative of the legislature.

The court, therefore, respectfully requests the House of Representatives to furnish a definition of "homosexual" as it is to be used in the bill, as well as a statement of factual findings about the nexus between homosexuality as the legislature would define it and the unfitness of homosexuals as declared by the bill. Such factual findings would be highly relevant and helpful in answering the questions, as well as in passing on the bill in greater detail if it is subsequently enacted and challenged. The due process and equal protection questions involve the relation between the statute and lawful legislative objects. While legislative fact-findings are not indispensable in ruling on such questions, they can be extremely helpful to the courts and can affect the results reached.

David A. Brock  
William F. Batchelder  
David H. Souter  
William R. Johnson  
W. Stephen Thayer, Ill

Reps. Alf Jacobson and Ingram spoke to the opinion and yielded to questions.

#### RECESS

#### COMMITTEE REPORTS (cont.)

HB 426, allowing the rendition pursuant to the Interstate Compact on Juveniles of a juvenile charged with delinquency. Ought to Pass.

This bill amends RSA 169-A, the Interstate Compact on Juveniles, to allow for the return of a juvenile charged with a criminal act to the state in which he/she is charged, when he/she is taken into custody in this State. Vote 14-0. Rep. Josephine Mayhew for Children, Youth and Elderly Affairs.

Ordered to third reading.

HB 372-FN-A, relative to the regulation of first and second mortgage home loans and making an appropriation therefor. Inexpedient to Legislate.

The Committee heard two bills relative to home mortgage loans. This bill was heard too late to act upon because of the appropriation. The Committee recognizes a need for regulation of second mortgage home loans in the State and would prefer to amend the language which addresses second mortgages to HB 723-FN, which is still in Committee and under less time constraint. Vote 15-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

CACR 4, relating to the amount in controversy required for a jury trial. Providing that the amount be determined by statute. Ought to Pass with Amendment.



This Constitutional Amendment raises the dollar amount which has to be in controversy from \$500 to \$1500 for a party to be entitled to a jury trial. Vote 11-0. Rep. Charles F. Bass for Constitutional and Statutory Revision.

#### Amendment

RELATING TO: the amount in controversy required for a jury trial.  
PROVIDING THAT: the amount shall exceed \$1,500.

Amend the resolution by replacing paragraph I with the following:

I. That article 20 of the first part of the constitution be repealed and readopted as follows:

[Art.] 20. [Jury Trial in Civil Causes.] In all controversies concerning property, and in all suits between 2 or more persons except those in which another practice is and has been customary and except those in which the value in controversy does not exceed \$1,500 and no title to real estate is involved, the parties have a right to a trial by jury. This method of procedure shall be held sacred unless, in cases arising on the high seas and in cases relating to mariners' wages, the legislature shall think it necessary to alter it.

Amend the resolution by replacing the title of the resolution with the following:

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the constitution to provide that, in order to entitle the parties to a trial by jury in civil cases, the amount involved in such cases must exceed \$1,500 instead of \$500 as is now provided?

#### AMENDED ANALYSIS

This constitutional amendment-concurrent resolution, as amended, provides that the dollar amount which has to be in controversy for a party to be entitled to a jury trial in certain civil suits must exceed \$1,500.

Amendment adopted.

YEAS 302 NAYS 23  
YEAS 302

BELKNAP: Bolduc, Bowler, Brown, Richard Campbell, Golden, Hardy, Malcolm Harrington, Hawkins, Jensen, Locke, Pearson, Randall, Lawrence Richardson, Turner and Wixson.

CARROLL: Allard, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Clark, Corrigan, Daschbach, Jesse Davis, Delano, Doucette, Daniel Eaton, Foster, Irvin Gordon, Grodin, Hunt, Matson, Morse, Parker, Perry, Pierce, William Riley, Sawyer, Schwartz and David Young.

COOS: Brady, Brungot, Harold Burns, Coulombe, Frederic Foss, Guay, Horton, Kilbride, Lemire, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Bennett, Blair, Chambers, Dearborn, Densmore, Driscoll, Hammond, Wayne King, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSPOROUGH: Ahern, Ahrens, Barbara Arnold, Baker, Baldizar, Beaupre, Bourque, Boutwell, Bowers, Champagne, Chretien, Cid, Cowenhoven, Cox, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, Paul Dionne, Domaingue, Donovan, Drolet, Dube, Dupont, Durant, Dwyer, Clyde Eaton, Joseph M. Eaton, Nancy Ford, Frank, Ruth Gage, Gagnon, Gelinas, Genest, Scott Green, Grip, Guilbert, Betty Hall, Marian Harrington, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Kurk, Lanzara, Leclerc, Levesque, Long, Lozeau, Magee, Mason, Bonnie McCann, Messier, Moore, Morrisette, Mulligan, Robert Murphy, Pappas, Pariseau, Perham, Pignatelli, Price, Reidy, Herbert Richardson, Rodgers, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Sullivan, Turgeon, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler, Kenneth Wheeler, Winn, Wood and Zajdel.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Laurent Boucher, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hayes, Mary Holmes, C. William Johnson, Lewis, Lockwood, Merton Mann, Manus, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Doris Riley, Walter Robinson, Gerald Smith, Stio, Trombly, Tupper, West and Yeaton.

ROCKINGHAM: Barnes, Blaisdell, Blanchard, Blanchette, William Boucher, Buco, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cooke, Cressy, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, Bert Ford, Thomas Gage, Gosselin, Gourdeau, Haynes, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, William F. McCain, McGovern, McKinney, Newell, Palumbo, Pantelakos, Pevear, Popov, Ritzo, Rosencrantz, Schmidtchen, Seward, Sherburne, Simon, Sochalski, Splaine, Sytek, Tilton, Tufts, Vartanian, Vaughn, Welch, Woodward and Wright.

STRAFFORD: Bates, Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Sandra Keans, Kincaid, Kinney, Laurion, Lussier, Martling, William McCann, Musler, Parks, Proulx, Spear, Swope, Ann Torr, Wall and Wilson.

SULLIVAN: Behrens, Cutting, Domini, Flint, Normandin, Peyron, Schotanus and Sara Townsend.

## NAYS 23

BELKNAP: Dexter.

CARROLL: None.

CHESHIRE: Cole.

GRAFTON: Christy, Copenhagen and Lougee.

HILLSBOROUGH: Alukonis, A. Leslie Burns, Cote, Granger, Healy and Paquette.

MERRIMACK: Cahill and Burton Knight.

ROCKINGHAM: Carl Anderson, Read, Warburton and Weddle.

STRAFFORD: Appleby, Koromilas and Lachance.

SULLIVAN: Brodeur, Ingram and Lindblade, and CACR 4 was ordered to third reading.

Reps. Reardon and Cushing notified the Clerk that they wished to be recorded in favor of CACR 4.

CACR 15, relating to a reapportionment commission and the size of the house and senate. Providing that there be a 10-member reapportionment commission which shall establish single member districts for the house and senate, congressional districts, and executive councilor districts; and that the house range in size from 200 to 400 members and the senate from 24 to 48 members. Re-Refer to Committee.

This Constitutional Amendment has many good points and needs study to determine just what "one-man one-vote" really stands for. Vote 7-2. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Report adopted.

HB 229, relative to the exemption of skeet, trap, shooting sports clubs and owners of shooting ranges from any civil or criminal actions relating to noise pollution. Ought to Pass.

There was unanimous support by the sixteen individuals testifying at the public hearing. Vote 15-1. Rep. Jack H. Schofield for Fish and Game.

Ordered to third reading.

HB 16, increasing the number of write-in votes required for a candidate to accept the nomination of a different party. Re-Refer to Committee.

This bill needs to be studied in order to do something before the next election. The Committee feels that the bill has merit and that the present 10 vote minimum allows too many candidates to be on both sides of the ballot. Vote 10-1. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Report adopted.

HB 242, relative to the powers of the fish and game commission and the appointment of the executive director of the fish and game commission. Re-Refer to Committee.

The Committee feels that this bill requires detailed study before an intelligent vote can be taken and requests that it be re-referred to Committee. Vote 15-0. Rep. Lester R. Perham for Fish and Game.

Report adopted.

HB 565-FN, relative to off highway recreational vehicles. Ought to Pass with Amendment.

House Bill 565 is the result of a legislative study committee conducted in the Fall of 1986. The content of the bill deals with much needed safety and law enforcement issues. Vote 11-3. Rep. David M. Scanlan for Fish and Game.

#### Amendment

Amend RSA 215-A:29, XVII as inserted by section 2 of the bill by replacing it with the following:

XVII. No person less than 18 years of age shall operate an ATV while transporting or carrying any passengers.

Amend the bill by replacing section 3 with the following:

3 Operation. RSA 215-A:29, Xf is repealed and reenacted to read as follows:

X1. No person or organized OHRV club shall operate on the land of another without written permission from the owner. Written permission shall not be required for operating an OHRV on an established OHRV trail.

Amendment adopted.

Rep. Scanlan explained the report.

Ordered to third reading.

HB 720, relative to the fish and game commission appointing the executive director of the department of fish and game. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The Majority of the Committee wants a change and the new process of Governor and Council appointment with Fish and Game Commission submitting 5 names looks good to us. The power to appoint is in the hands of the Governor with the voters/sportsmen able to apply proper pressure via the vote. The majority also supports re-referring HB 242 to the Committee to restructure the present uncontrollable situation. Vote 8-7. Rep. William P. Boucher for the Majority of Fish and Game.

MINORITY: This bill was supported by all those who testified at the Committee hearing with no dissenters. It is the feeling of the minority of the Committee that the interests of the sportsmen of New Hampshire can be best served if the Fish and Game Director is appointed by the Fish and Game Commission. Rep. Lester R. Perham for the Minority of Fish and Game.

Rep. Perham moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Powers and Pantelakos spoke against the motion and yielded to questions.

Reps. Jensen, Scanlan and William Riley spoke in favor of the motion.

Reps. Albert Dionne and William Boucher spoke against the motion.

A roll call was requested. Sufficiently seconded.

YEAS 111 NAYS 239

YEAS 111

BELKNAP: Golden, Malcolm Harrington, Jensen, Locke, Turner and Wixson.

CARROLL: McIntire and Olimpio.

CHESHIRE: Blacketor, Clark, Daschbach, Delano and Doucette.

COOS: Brady, Brungot, Frederic Foss, Horton, Kilbride, Marsh, Mayhew, Nelson, Oleson and Purrington.

GRAFTON: Arnesen, Bennett, Christy, Dearborn, Ezra Mann, Rounds, Scanlan, Stewart, Howard Townsend, Walter and Weymouth.

HILLSBOROUGH: Ahern, Baldizar, Beaupre, A. Leslie Burns, Chretien, Daigle, Domaingue, Clyde Eaton, Ruth Gage, Genest, Scott Green, Chris Jacobson, Robert Kelley, Alice Knight, Korcoulis, Lozeau, Magee, Messier, Moore, Morrisette, Robert Murphy, Packard, Pappas, Paquette, Perham, Pignatelli, Prestipino, Price, Ellen-Ann Robinson, Shriver, Soucy, Turgeon, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Austin, Beaton, Laurent Boucher, Cahill, James Chandler, Fillion, Mary Holmes, Philbrick, Doris Riley, Trombly and Whittemore.

ROCKINGHAM: Blaisdell, Carpenito, Cooke, Cressy, Ellyson, Bert Ford, Thomas Gage, Gosselin, Haynes, Hoar, Hynes, Robert Johnson, Phyllis Katsakiores, Magoon, Newell, Pevear, Seward, Skinner, Splaine, Sytek, Tilton, Vaughn, Warburton and Welch.

STRAFFORD: Patricia Foss, Kinney and Proulx.

SULLIVAN: Brodeur, Cutting, Ingram and Lindblade.

NAYS 239

BELKNAP: Bolduc, Bowler, Brown, Richard Campbell, Dexter, Hardy, Hawkins, Pearson, Randall and Lawrence Richardson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Cole, Corrigan, Jesse Davis, Daniel Eaton, Foster, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Morse, Parker, Perry, Pierce, Ramsay, William Riley, Sawyer, Schwartz and David Young.

COOS: Harold Burns, Coulombe, Guay, Lemire and Theriault.

GRAFTON: Adams, Bean, Blair, Chambers, Copenhaver, Densmore, Driscoll, Hammond, Michael King, Wayne King, LaMott, Lougee, McAvoy, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Barbara Arnold, Bourque, Boutwell, Bowers, Buckley, Champagne, Cid, Cote, Cowenhoven, Cox, Cusson, Ann Derosier, Gerard Desrochers, William Desrosiers, Paul Dionne, Donovan, Drolet, Dube, Dupont, Durant, Dwyer, Joseph M. Eaton, Fields, Nancy Ford, Frank, Gagnon, Gelinas, Granger, Grip, Guilbert, Betty Hall, Marian Harrington, Healy, Holden, Humphrey, Cornelius Keane, Keefe, Donna Kelly, Kurk, Lanzara, Leclerc, Levesque, Long, Mason, Bonnie McCann, Mulligan, Nixon, O'Rourke, Pariseau, Reardon, Reidy, Herbert Richardson, Rodgers, Routhier, Sallada, Schneiderat, Leonard Smith, Steiner, Stiles, Stonner, Sullivan, Vanderlosk, Wagner, Ware, Watson, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Bardsley, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hayes, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Merton Mann, Manus, Millard, Nichols, Pantzer, Phelps, Provencal, Rehlander, Walter Robinson, Gerald Smith, Stio, Tupper, Wallner, West and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blanchard, Blanchette, William Boucher, Buco, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cushing, Drake, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Gourdeau, Hollingworth, Joyce, George Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, William F. McCain, McGovern, McKinney, Palumbo, Pantelakos, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Sherburne, Simon, Sochalski, Tufts, Weddle, Woodward and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Frechette, Jean, Robert Jones, Sandra Keans, Kincaid, Koromilas, Lachance, Laurion, Lussier, Martling, William McCann, Parks, Francis Robinson, Spear, Swope, Ann Torr, Wall and Wilson.



SULLIVAN: Behrens, Domini, Flint, Krueger, Normandin, Peyron, Rodeschin, Schotanus and Sara Townsend, and the motion lost.

Question now being on the Committee report, Inexpedient to Legislate. Resolution adopted.

HB 36, relative to alimony and property settlements and fault grounds in divorce. Ought to Pass with Amendment.

The Committee, after years of work, has voted out this bill Ought to Pass with Amendment. It will define marital property and spell out factors to be considered in non-equal share property division. As amended, the bill does not repeal any fault grounds for divorce. Vote 14-1. Rep. Thomas U. Gage for Judiciary.

#### Amendment

Amend section 1 of the bill by replacing it with the following:

1 New Sections; Property Settlement. Amend RSA 458 by inserting after section 16 the following new sections:  
458:16-a Property Settlement.

1. Property shall include all tangible and intangible property and assets, real or personal, belonging to either or both parties, whether title to the property is held in the name of either or both parties. Intangible property includes, but is not limited to, employment benefits, vested and non-vested pension or other retirement benefits, or savings plans.

1I. When a dissolution of a marriage is decreed, the court may order an equitable division of property between the parties. The court shall presume that an equal division is an equitable distribution of property, unless the court establishes a trust fund under RSA 458:20 or unless the court decides that an equal division would not be appropriate or equitable after considering one or more of the following factors:

(a) The duration of the marriage.  
(b) The age, health, social or economic status, occupation, vocational skills, employability, separate property, amount and sources of income, needs and liabilities of each party.

(c) The opportunity of each party for future acquisition of capital assets and income.

(d) The ability of the custodial parent, if any, to engage in gainful employment without substantially interfering with the interests of any minor children in the custody of said party.

(e) The need of the custodial parent, if any, to occupy or own the marital residence and to use or own its household effects.

(f) The actions of either party during the marriage which contributed to the growth or diminution in value of property owned by either or both of the parties.

(g) Significant disparity between the parties in relation to contributions to the marriage, including contributions to the care and education of the children and the care and management of the home.

(h) Any direct or indirect contribution made by one party to help educate or develop the career or employability of the other party and any interruption of either party's educational or personal career opportunities for the benefit of the other's career or for the benefit of the parties' marriage or children.

(i) The expectation of pension or retirement rights acquired prior to or during the marriage.

(j) The tax consequences for each party.

(k) The value of property that is allocated by a valid prenuptial contract made in good faith by the parties.

(l) The fault of either party as specified in RSA 458:7 if said fault caused the breakdown of the marriage and:

(l) Caused substantial physical or mental pain and suffering; or

(2) Resulted in substantial economic loss to the marital estate or the injured party.

(m) The value of any property acquired prior to the marriage and property acquired in exchange for property acquired prior to the marriage.

(n) The value of any property acquired by gift, devise, or descent.

(o) Any other factor that the court deems relevant.

III. The court shall specify written reasons for the division of property which it orders.

458:16-b Restraining Orders Regarding Property.

I. Upon the filing of an action under this chapter, the court shall issue an order restraining each party from selling, transferring, encumbering, hypothecating, concealing, or in any manner whatsoever disposing of any property, real or personal, belonging to either or both parties except:

(a) By written agreement of both parties;

(b) For reasonable and necessary expenses of living;

(c) In the ordinary and usual course of business;

(d) In the ordinary and usual course of investing; or

(e) By order of the court.

II. After the order is served, either party may file a written request with the clerk of the superior court for a hearing thereon. Such a hearing shall be held no later than 5 days after the request is received by the clerk for the county in which the libel for divorce, annulment or decree of nullity is filed.

Amend the bill by replacing all after section 3 with the following:

4 New Section; Limitation. Amend RSA 458 by inserting after section 51 the following new section:

458:52 Limitation. Nothing in this chapter shall abrogate the common law doctrines of recrimination or condonation, or the rights of persons to enter into binding and enforceable prenuptial contracts concerning their respective property rights.

5 Repeal. The following are repealed:

I. RSA 458:10, relative to libels.

II. RSA 458:33, relative to temporary orders of alimony.

6 Effective Date. This act shall take effect January 1, 1988.

Amendment adopted.

Ordered to third reading.

HB 454, relative to proof of exceptions. Ought to Pass.

The Committee felt that this action made the exception rule under certain circumstances on affirmative defense. This would require the defendant to prove that he/she came within the exception rule under (1) explosives and explosive substances (RSA 158), (2) fireworks (RSA 160), and (3) pistols and revolvers (RSA 159), and (4) pharmacists and pharmacies (RSA 318). Vote 12-5. Rep. W. Kent Martling for Judiciary.

Ordered to third reading.

HB 483, relative to search warrants issued over the telephone. Inexpedient to Legislate.

The majority felt that search warrants issued over the phone could potentially be abused. It was not clearly shown that there was a compelling need to change current law. Vote 12-4. Rep. Thomas U. Gage for Judiciary.

Resolution adopted.

HB 651-FN, relative to compensation of part time district court justices. Ought to Pass with Amendment.

This bill modifies the current compensation schedule for justices of the district court. A weighted caseload system replaces the existing caseload system in calculating salaries of judges. Testimony before the Committee supported this legislation. Vote 16-0, with 1 abstaining under Rule 16. Rep. Michael E. Jones for Judiciary.

#### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to compensation of district court justices  
and special justices.

Amend the bill by striking out all after the enacting clause and replacing it with the following:

1 Salaries of Part-Time District Court Justices. Amend RSA 491-A by inserting after section 2 the following new section:

491-A:3 District Court Justices; Salaries.

I. For purposes of calculating the annual salaries of part-time district court justices appointed after July 1, 1987, the supreme court shall establish and revise as needed a weighted case value, relating the judicial time required for each type of case included in the court's jurisdiction, which when multiplied by the caseload of each court will produce the number of weighted case units for that court. The number of weighted case units will be calculated by the administrative office of the courts in October of each year, using caseload statistics for the preceding 12-month period. Said weighted case units will serve as the basis for determining the salary of part-time justices for the next calendar year.

11. The following compensation schedule shall be used when calculating salaries for part-time district court justices, beginning January 1, 1988:

<u>Weighted Case Units</u>	<u>Step Increase Per 100 Case Units</u>				
	1	2	3	4	5
0 - 499	\$ 2,500	\$ 3,217	\$ 3,928	\$ 4,642	\$ 5,356
500 - 999	6,070	6,784	7,498	8,212	8,926
1000 - 1499	9,640	10,354	11,068	11,782	12,496
1500 - 1999	13,329	14,162	14,995	15,828	16,661
2000 - 2499	17,494	18,327	19,160	19,993	20,826
2500 - 2999	21,659	22,492	23,325	24,258	24,991
3000 - 3499	25,824	26,657	27,490	28,323	29,156
3500 - 3999	29,989	30,822	31,655	32,488	33,321
4000 - 4499	34,154	34,987	35,820	36,653	37,486
4500 - 4999	38,319	39,152	39,985	40,818	41,651
5000 - 5250	42,484	43,317	43,733	-----	-----

111. The salary of a part-time justice shall not exceed 70 percent of the salary of a full-time district court justice as provided by RSA 491-A:1. Judicial time shall be measured in weighted case units which shall reflect judicial time required to process a case. The compensation per weighted case unit shall be proportional to the compensation for a full-time judge. A part-time justice, whose weighted caseload equals 3.5 judicial days per week, shall receive the maximum salary as provided by this section and shall be considered for full-time status as provided in paragraph IV. The compensation schedule provided by this section shall be based upon the salary of a full-time district court justice pursuant to RSA 491-A:1.

IV. If application of this or other provision of law results in a part-time district court justice receiving a salary which equals 70 percent of the salary of a full-time district court justice, the supreme court, after reviewing population, caseload, judicial time, available judicial resources and other relevant criteria, may determine that said justice shall become full-time.

2 Salaries of Justices, Special Justices, and Clerks. The introductory paragraph of RSA 502-A:6 and RSA 502-A:6, I are repealed and reenacted to read as follows:

The annual salaries of justices, special justices and clerks of the district courts shall be paid by the state as follows:

1. The state shall pay the justices of the district courts either (a) salaries based upon weighted caseload as provided in RSA 491-A:3; or (b) their annual salaries prior to the enactment of RSA 491-A:3; whichever is greater.

3 Salaries of Special Justices. RSA 502-A:6, II is repealed and reenacted as follows:

11. The annual salaries of the special justices of the district courts shall be an amount equal to 30 percent of the salary paid to justices as provided in paragraph 1, except that said salaries of special justices, appointed prior to July 1, 1987, shall be 30 percent of the salary paid the justice or the current annual salary of the special justice for the previous year, whichever is greater, provided that the special justice may receive the same per diem compensation as is generally allowed to masters serving in superior court plus reasonable expenses as determined by the supreme court, except in those cases where prior to July 1, 1987, the special justice was paid on a per diem basis which shall continue unless changed by the supreme court; provided, however, in the event of the death, resignation, or retirement of the justice and when no appointment is made to fill the vacancy caused thereby for a period of 60 days, the special justice shall then be paid the salary of the justice until his vacancy is filled; and provided further, that if the justice is absent due to illness or disqualification for any other reason for a period of more than 60 days, the special justice shall be entitled to the salary of the justice until the justice is able to assume his duties. Whenever a justice or special justice sits in another court by request, he shall be paid \$30 per hour for each hour or part thereof that he shall serve in said capacity; provided, however, that he shall not receive more than the same per diem compensation as is generally allowed to masters serving in the superior court plus reasonable expenses.

4 Part-Time District Court Justices. Amend RSA 502-A:21 to read as follows:

502-A:21 Disqualifications of Justices, etc. No justice, associate justice, special justice or clerk of any district or municipal court shall be retained or employed as attorney in any action, complaint, or proceeding pending in his court or which has been examined or tried therein. No such justice or associate justice shall be retained or employed as an attorney in any matter pending before any other district or

municipal court. No special justice of any municipal or district court shall appear in any municipal or district court representing a client in a criminal case. No attorney shall be permitted to practice before any district or municipal court where any justice, associate justice, or special justice thereof is associated with said attorney in the practice of law. [No justice, associate justice, or special justice whose salary exceeds \$30,000 per year shall be permitted to engage in the practice of law to any degree.]

5 Full-Time District Court Justices. Amend RSA 502-A by inserting after section 21 the following new section:

502-A:21-a Full-Time District Court Justices. A district court justice designated to be full-time under RSA 491-A:3, IV shall not be permitted to engage in the practice of law to any degree. Full-time justices shall receive the salary specified in RSA 491-A:1. Full-time justices chosen pursuant to this section shall, when requested by the supreme court, assist other district courts whenever a justice in such other court is disqualified, disabled, otherwise unable to sit, or in need of assistance.

6 Transition. The supreme court shall use 1986 caseload statistics to compute the salaries for part-time district court justices and special justices for the period from July 1, 1987 to December 31, 1987.

7 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill, as amended, establishes a weighted caseload formula for determining the salaries of part-time district court justices. The bill provides that the supreme court may determine that a part-time district court justice shall become full-time if his salary equals 70 percent of the salary of a full-time district court justice.

This bill, as amended, removes the prohibition on the practice of law for part-time district court judges earning over \$30,000 annually, but inserts a prohibition on the practice of law by full-time district court justices.

This bill, as amended, also establishes a new salary structure for special justices of the district courts.

Amendment adopted.

Referred to Appropriations.

HB 165-FN, relative to sunset review of the department of employment security. Ought to Pass with Amendment.

This is a Sunset bill for the Department of Employment Security. The amendment changes the date from 1991 to 1993. It also takes into consideration recommendations of the Sunset Committee. The amendment as printed in the Calendar, repeats the present statute with minor amendments. Vote 13-1. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend the title of the bill by replacing the title of the bill with the following:

#### AN ACT

relative to sunset review of the department of employment security and relative to appellate procedure in such department.



Amend the bill by replacing section 1 with the following:

1 Sunset; The Department of Employment Security Renewed. The department of employment security is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 Appeal Chairman; Jurisdiction. Amend RSA 282-A:53 to read as follows:

282-A:53 Appeal [Tribunals] Chairman; [Composition and] Jurisdiction. Appeal from a certifying officer's determination and a decision made pursuant to RSA 282-A:164 shall be to an impartial [tribunal] appeal chairman [appointed by the commissioner] who shall be an employee of the department of employment security. [Each such tribunal shall be known as an appeal tribunal, and shall consist of 3 members or one member. If the tribunal consists of 3 members, one member shall be a representative of employees, one shall be a representative of employers, and one shall be an employee of the department of employment security who shall serve as chairman of the tribunal. If the tribunal consists of one member, that member shall be an employee of the department of employment security and shall be the chairman. No person shall participate as a member of an appeal tribunal in any case in which he is an interested party or is the employee of an interested party. The chairman shall not be disqualified in an appeal concerning an individual claiming benefits by reason of state or federal employment.]

4 Withdrawal of Appeal; Replacing Appeal Tribunal with Appeal Chairman. Amend RSA 282-A:55 to read as follows:

282-A:55 --Withdrawal of Appeal. [A] The appeal chairman may allow an appeal to be withdrawn by the appellant; but, in such case, the appeal chairman shall send notice by [registered mail] certified mail, return receipt requested, of his allowance of the withdrawal to all interested parties at the last address of each according to the records of the department of employment security. Simultaneously with the mailing of such notice, the determination of the certifying officer from which the appeal had been taken shall become final; and no subsequent appeal of any type may be taken by the appellant in connection therewith.

5 Procedure; Replacing Appeal Tribunal with Appeal Chairman. Amend RSA 282-A:56 to read as follows:

282-A:56 --Procedure. A hearing shall be conducted in such a manner as to ensure a fair and impartial hearing to the interested parties. The appeal [tribunal] chairman shall hear the appeal de novo and shall not be bound by prior findings or determinations of the department of employment security although the records of said department shall be part of the evidence to be considered by the [tribunal] appeal chairman. An appeal shall be filed and presented and the hearing conducted in accordance with rules adopted by the commissioner. Such rules need not conform to common law or statutory rules of evidence or other technical rules of procedure. The place and time of a hearing shall be determined by the commissioner. [In no case shall a hearing proceed unless the chairman is present.]

6 Decision; Replace Appeal Tribunal with Appeal Chairman. Amend RSA 282-A:58 to read as follows:

282-A:58 --Decision. In every appeal, except those withdrawn, the appeal chairman shall prepare a written decision which shall be sent by [registered mail] certified mail, return receipt requested, to each interested party at the last address of each according to the records of the department of employment security. The decision, except one on an appeal dismissed for lack of prosecution or defaulted for failure to attend, among other necessary things as determined by the commissioner, shall: set forth all the material findings and specific provisions of law

necessary to support the conclusions; identify the interested parties and the account, whether fund or employer, to which benefits will be charged, if allowed; identify the week or period during which benefits are denied; identify the first week and subsequent period with respect to which benefits will be paid, if allowed; determine will things necessary to finally dispose of the case; and identify the [members of the tribunal] appeal chairman.

7 Appearance and Postponement; Replacing Appeal Tribunal with Appeal Chairman. Amend RSA 282-A:59 to read as follows:

282-A:59 Appearance and Postponement. In order to protect the rights of the interested parties, if the commissioner, in his sole judgment, finds sufficient grounds to justify or excuse an interested party from appearing at a hearing or from requesting a postponement of a hearing, he shall direct the appeal [tribunal] chairman to hold a further hearing. Such further hearing shall be de novo notwithstanding that a decision may have become final.

8 Reopening of Appeal; Replacing Appeal Tribunal with Appeal Chairman. Amend RSA 282-A:60 to read as follows:

282-A:60 Reopening of Appeal [Tribunal] Chairman Decision; Procedure. The second level of appeal shall be to the commissioner. The commissioner may, upon written request of an interested party or upon his own initiative, in any case in which a decision has been rendered, reopen the case on the basis of fraud, mistake, or newly discovered evidence. Such request shall set forth the facts or argument considered to be the basis for the reopening. The commissioner shall not consider any request for reopening unless it is received in his office within 14 calendar days immediately following the date of the mailing of the [appeal tribunal's] first level appeal decision. The commissioner shall promptly notify in writing all interested parties of the request for reopening.

9 Commissioner's Determination; Replacing Appeal Tribunal with Appeal Chairman. Amend RSA 282-A:61 to read as follows:

282-A:61 --Commissioner's Determination. The commissioner shall render his determination within a reasonable period after all the facts or arguments are made available to him. The determination of the commissioner shall be sent by [registered mail] certified mail, return receipt requested, to each interested party at the last address of each according to the records of the department of employment security. The [appeal tribunal] first level appeal chairman shall, upon direction to reopen, proceed in the same manner as though an appeal in said case were being taken from a determination of a certifying officer; provided, however, that the further hearing shall be limited to the introduction of evidence or argument relative to and concerning the factors which constitute the basis or ground for the reopening [unless the commissioner orders]; otherwise there shall be a de novo hearing.

10 Renaming the Appellate Division the Appellate Board; Per Diem Allowance. Amend RSA 282-A:62 to read as follows:

282-A:62 Appellate Division.

1. There shall be an appellate [division board consisting of 5 members, no 2 of whom shall be from the same executive council district, who are and continue to be residents of New Hampshire, appointed by the governor with the advice and consent of the executive council for 3-year terms and until their successors are appointed and qualified. Two of the members shall be attorneys-at-law admitted to the practice of law in the state of New Hampshire, one of whom shall be the chairman, and one of whom shall be the vice chairman and shall serve in the absence of the chairman. These 2 members shall be the only members of the appellate [division] board who are attorneys-at-law. Another member shall be a representative of business management familiar with unemployment compensation laws. A fourth member shall be a representative from organized labor familiar with unemployment compensation laws. The fifth

member, who shall also be familiar with unemployment compensation laws, shall be designated as the member representing and shall represent the public. [The first appointments shall be 2 for one year, 2 for 2 years and one for 3 years.] The appointments shall be for 3 years. Any vacancy shall be filled for the unexpired term. The members shall be paid \$100 for each day or any part thereof during which they perform services except that the chairman and vice chairman shall be paid \$150 for each day or any part thereof during which they perform services. [and] All members shall be reimbursed for all expenses determined by the commissioner to be necessary to the performance of their duties including mileage and board and room necessary for the conduct of hearings in Concord, except that no person who is a member of the appellate [division] board and holds a part time, full time or per diem position position with the executive, legislative or judicial branch shall receive the [\$100 per day] per diem allowance.

II. In the event of an increased workload the chairman of the appellate board may request the governor with the advice and consent of the executive council to appoint up to 4 additional at-large members to the board, with equal representation for business management and organized labor. These new members shall serve for 3 years or until notified by the chairman that the workload has been reduced to a level so that their services are no longer required.

11 Organization and Support; Renaming the Appellate Division the Appellate Board. Amend RSA 282-A:63 to read as follows:

282-A:63 --Organization and Support. The appellate [division] board shall be part of the department of employment security for organizational purposes but shall operate independently of that department. [Annual funding for the appellate division shall be determined by the commissioner after consultation with the chairman of the division and] The commissioner, after consultation with the appellate board chairman, shall develop a cooperative working agreement outlining the annual funding for the appellate board which shall be provided for and administered by the commissioner. The agreement shall also describe all clerical personnel, facilities, space, supplies, services, and other support necessary to the functioning of the appellate [division] board which shall be determined by, provided for, and administered by, the commissioner.

12 Jurisdiction; Replacing Appeal Tribunal with First Level Appeal Chairman; Renaming the Appellate Division the Appellate Bureau. Amend RSA 282-A:64 to read as follows:

282-A:64 --Jurisdiction.

1. The appellate division shall hear appeals from decisions of the [appeal tribunal] first level appeal chairman. An appeal must be filed with the appellate [division] board within 15 days of the date of mailing of:

(a) The commissioner's decision on a request for reopening; or

(b) The [appeal tribunal's] first level appeal chairman's decision on an appeal which had been remanded by the appellate [division] board, in which case a request for reopening is not required.

II. The appellate board may allow a late appeal, if, in its opinion, good cause exists.

[11] III. The review by the appellate [division] board shall be confined to the record. No evidence shall be received. The appellate [division] board shall provide all parties and the commissioner with a [transcription] tape recording of the [appeal tribunal] first level hearing [.]; however, the appellate board chairman may require a transcription of the first level hearing. The commissioner shall provide the appellate [division] board with a copy of all other department records relating to the claim.

IV. The appellate board may decline to review any appeal which presents no substantial question within the appellate board's jurisdiction as set forth in RSA 282-A:65.

13 Reversal, Modification, or Affirmation; Replacing Appeal Tribunal with Appeal Chairman; Renaming Appellate Division the Appellate Board. Amend RSA 282-A:65 to read as follows:

282-A:65 --Reversal, Modification or Affirmation. The appellate [division] board shall not substitute its judgment for that of the commissioner or appeal [tribunal] chairman as to the weight of the evidence on questions of fact, or as to the prudence or desirability of the determination. The appellate [division] board shall reverse or modify the decision or remand the case for further proceedings only if the substantial rights of the appellant had been prejudiced because the findings, inferences, conclusions, or the decision is:

I. In violation of constitutional or statutory provisions; or  
 II. In excess of the statutory authority of the department of employment security; or

III. Affected by reversible error of law; or

IV. Affected by fraud; or

V. Affected by the absence of newly discovered evidence, which was not available to the affected party upon reasonable search at the time of the [appeal tribunal] first level hearing, in which case the appeal shall be remanded to the first level appeal [tribunal] chairman. Otherwise, the appellate [division] board shall affirm the order.

14 Quorum, Sessions, Exclusivity; Replacing the Appeal Division with Appeal Board; Renaming Appellate Division the Appellate Board. Amend RSA 282-A:66 to read as follows:

282-A:66 --Quorum, Sessions, Exclusivity.

I. The appellate [division] board, while in session, shall consist of 3 members designated by the chairman. Any party aggrieved by a decision of the appeal [tribunal] chairman may appeal. The parties to such appeal shall be the claimant, all interested parties as defined in this chapter, and the commissioner. The appellate [division] board shall adopt rules of procedure pursuant to RSA 541-A. It shall not require written briefs. The appellate [division] board shall:

(a) Render a written decision within 15 business days of the hearing; or

(b) Adopt the decision of the first level appeal [tribunal] chairman.

When a decision is not rendered within 15 business days after the hearing such will constitute a dismissal of the appeal.

11. The appellate [division] board shall sit in Concord, or any other area designated by the chairman, and shall hold sessions at least monthly for the purpose of hearing arguments, making orders, rendering decisions and filing opinions.

III. The appellate procedures provided by this chapter shall be exclusive.

15 Judicial Review; Replacing the Appeal Tribunal with Appeal Chairman; Renaming Appellate Division the Appellate Board. Amend RSA 282-A:67 to read as follows:

282-A:67 Administrative Reconsideration and Judicial Review.

I. An interested party who is aggrieved by the decision of the appellate board or the commissioner, may within 14 days of the date of mailing of the board's decision request that the board reconsider its decision or that the board order a new hearing specifying in the request the grounds therefor. The appellate board shall within 30 days deny or grant the motion for reconsideration or order a new hearing.

[1] II. An interested party who has exhausted all administrative remedies within the department and who is aggrieved by a final decision of the [appeal tribunal] first level appeal chairman as reversed, modified, or affirmed by the appellate board after a motion for



reconsideration is granted or denied or after the decision on rehearing, may appeal that decision to the supreme court, but only if the notice of that appeal is filed with the court within [15] 30 days after the date of mailing of the decision from which the appeal is taken and the notice of appeal is served upon the appeal [tribunal] chairman and the attorney general contemporaneously with the filing of that notice of appeal with the court. In addition, that notice of appeal shall be served upon all parties of record. The service required by this section may be by certified mail, return receipt requested. The appeal shall be styled "appeal of name of the party filing the appeal regarding [()] unemployment compensation [appeal tribunal])" and shall be an in rem proceeding. Any interested party, and the state, shall have a right to participate as a party in the appellate proceedings before the court. The notice of appeal shall specifically identify each error for which review is sought. The filing of a notice of appeal shall not stay enforcement of the appeal [tribunal] chairman's decision.

[11] III. Within 60 days after the service of the notice of appeal upon the appeal [tribunal] chairman, or within such further time allowed by the court, the appeal [tribunal] chairman shall transmit to the court a certified copy of the entire record of the proceeding before the appeal [tribunal] chairman. By stipulation of all parties to the review proceeding, the record may be shortened. If the record is shortened by stipulation, the court may subsequently require additional portions of the record certified.

[11] IV. The review of the court shall be confined to the record. No evidence shall be received in the court. The court may require oral argument of written briefs, or both.

[IV] V. The court shall not substitute its judgment for that of the appeal [tribunal] chairman as to the weight of the evidence on questions of fact. The court shall reverse or modify the decision of the appeal [tribunal] chairman, or remand the case for further proceedings, as determined by the court, only if the substantial rights of the appellant had been prejudiced because the administrative findings, inferences, or conclusions are:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of statutory authority;
- (c) Made upon unlawful procedures;
- (d) Clearly erroneous in view of the substantial evidence on the whole record; or
- (e) Affected by other error of law.

Otherwise, the court shall affirm the appeal [tribunal] chairman's decision.

16 Membership of Appellate Board. Notwithstanding RSA 262-A:62, the members of the appellate division shall become members of the appellate board upon passage of this act. The terms of the initial members of the appellate board shall expire at the time such individual's terms in the appellate division were due to expire.

17 Rules; Appellate Division. Any rule adopted by the appellate division under RSA 282-A:66 shall remain in effect until its expiration date under RSA 541-A:2, IV, unless the appellate board amends or repeals the rule, pursuant to RSA 282-A:66, prior to that date.

18 Repeal. RSA 282-A:54, relative to the tenure of members of the appeal tribunal, is repealed.

19 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews the department of employment security for 6 years.

The bill, as amended, replaces the appeal tribunal in the department of employment security with an appeal chairman, who shall perform the functions previously performed by the tribunal. The appellate division is renamed the appellate board.



The chairman and vice chairman of the appellate board shall be paid \$150 for each day they perform services.

Amendment adopted.

Rep. Blanchette offered an amendment.

Amendment

Amend the title of the bill by replacing the title of the bill with the following:

AN ACT

relative to sunset review of the department of employment security and relative to appellate procedure in such department.

Amend the bill by replacing section 1 with the following:

1 Sunset; The Department of Employment Security Renewed. The department of employment security is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 Appeal Chairman; Jurisdiction. Amend RSA 282-A:53 to read as follows:

282-A:53 Appeal [Tribunals] Chairman; [Composition and] Jurisdiction. Appeal from a certifying officer's determination and a decision made pursuant to RSA 282-A:164 shall be to an impartial [tribunal] appeal chairman [appointed by the commissioner] who shall be an employee of the department of employment security. [Each such tribunal shall be known as an appeal tribunal, and shall consist of 3 members or one member. If the tribunal consists of 3 members, one member shall be a representative of employees, one shall be a representative of employers, and one shall be an employee of the department of employment security who shall serve as chairman of the tribunal. If the tribunal consists of one member, that member shall be an employee of the department of employment security and shall be the chairman. No person shall participate as a member of an appeal tribunal in any case in which he is an interested party or is the employee of an interested party. The chairman shall not be disqualified in an appeal concerning an individual claiming benefits by reason of state or federal employment.]

4 Withdrawal of Appeal; Replacing Appeal Tribunal with Appeal Chairman. Amend RSA 282-A:55 to read as follows:

282-A:55 --Withdrawal of Appeal. [A] The appeal chairman any allow an appeal to be withdrawn by the appellant; but, in such case, the appeal chairman shall send notice by [registered mail] certified mail, return receipt requested, of his allowance of the withdrawal to all interested parties at the last address of each according to the records of the department of employment security. Simultaneously with the mailing of such notice, the determination of the certifying officer from which the appeal had been taken shall become final; and no subsequent appeal of any type may be taken by the appellant in connection therewith.

5 Procedure; Replacing Appeal Tribunal with Appeal Chairman. Amend RSA 282-A:56 to read as follows:

282-A:56 --Procedure. A hearing shall be conducted in such a manner as to ensure a fair and impartial hearing to the interested parties. The appeal [tribunal] chairman shall hear the appeal de novo and shall not

be bound by prior findings or determinations of the department of employment security although the records of said department shall be part of the evidence to be considered by the [tribunal] appeal chairman. An appeal shall be filed and presented and the hearing conducted in accordance with rules adopted by the commissioner. Such rules need not conform to common law or statutory rules of evidence or other technical rules of procedure. The place and time of a hearing shall be determined by the commissioner. [In no case shall a hearing proceed unless the chairman is present.]

6 Decision; Replace Appeal Tribunal with Appeal Chairman. Amend RSA 282-A:58 to read as follows:

282-A:58 --Decision. In every appeal, except those withdrawn, the appeal chairman shall prepare a written decision which shall be sent by [registered mail] certified mail, return receipt requested, to each interested party at the last address of each according to the records of the department of employment security. The decision, except one on an appeal dismissed for lack of prosecution or defaulted for failure to attend, among other necessary things as determined by the commissioner, shall: set forth all the material findings and specific provisions of law necessary to support the conclusions; identify the interested parties and the account, whether fund or employer, to which benefits will be charged, if allowed; identify the week or period during which benefits are denied; identify the first week and subsequent period with respect to which benefits will be paid, if allowed; determine will things necessary to finally dispose of the case; and identify the [members of the tribunal] appeal chairman.

7 Appearance and Postponement; Replacing Appeal Tribunal with Appeal Chairman. Amend RSA 282-A:59 to read as follows:

282-A:59 Appearance and Postponement. In order to protect the rights of the interested parties, if the commissioner, in his sole judgment, finds sufficient grounds to justify or excuse an interested party from appearing at a hearing or from requesting a postponement of a hearing, he shall direct the appeal [tribunal] chairman to hold a further hearing. Such further hearing shall be de novo notwithstanding that a decision may have become final.

8 Reopening of Appeal; Replacing Appeal Tribunal with Appeal Chairman. Amend RSA 282-A:60 to read as follows:

282-A:60 Reopening of Appeal [Tribunal] Chairman Decision; Procedure. The second level of appeal shall be to the commissioner. The commissioner may, upon written request of an interested party or upon his own initiative, in any case in which a decision has been rendered, reopen the case on the basis of fraud, mistake, or newly discovered evidence. Such request shall set forth the facts or argument considered to be the basis for the reopening. The commissioner shall not consider any request for reopening unless it is received in his office within 14 calendar days immediately following the date of the mailing of the [appeal tribunal's] first level appeal decision. The commissioner shall promptly notify in writing all interested parties of the request for reopening.

9 Commissioner's Determination; Replacing Appeal Tribunal with Appeal Chairman. Amend RSA 282-A:61 to read as follows:

282-A:61 --Commissioner's Determination. The commissioner shall render his determination within a reasonable period after all the facts or arguments are made available to him. The determination of the commissioner shall be sent by [registered mail] certified mail, return receipt requested, to each interested party at the last address of each according to the records of the department of employment security. The [appeal tribunal] first level appeal chairman shall, upon direction to reopen, proceed in the same manner as though an appeal in said case were being taken from a determination of a certifying officer; provided, however, that the further hearing shall be limited to the introduction of

evidence or argument relative to and concerning the factors which constitute the basis or ground for the reopening unless the commissioner orders a de novo hearing.

10 Renaming the Appellate Division the Appellate Board; Per Diem Allowance. Amend RSA 282-A:62 to read as follows:

282-A:62 Appellate Division.

I. There shall be an appellate [division] board consisting of 5 members, no 2 of whom shall be from the same executive council district, who are and continue to be residents of New Hampshire, appointed by the governor with the advice and consent of the executive council for 3-year terms and until their successors are appointed and qualified. Two of the members shall be attorneys-at-law admitted to the practice of law in the state of New Hampshire, one of whom shall be the [chairman] chair, and one of whom shall be the vice [chairman] chair and shall serve in the absence of the [chairman] chair. These 2 members shall be the only members of the appellate [division] board who are attorneys-at-law. Another member shall be a representative of business management familiar with unemployment compensation laws. A fourth member shall be a representative from organized labor familiar with unemployment compensation laws. The fifth member, who shall also be familiar with unemployment compensation laws, shall be designated as the member representing and shall represent the public. [The first appointments shall be 2 for one year, 2 for 2 years and one for 3 years.] The appointments shall be for 3 years. Any vacancy shall be filled for the unexpired term. The members shall be paid \$100 for each day or any part thereof during which they perform services except that the chair and vice chair shall be paid \$150 for each day or any part thereof during which they perform services. [and] All members shall be reimbursed for all expenses determined by the commissioner to be necessary to the performance of their duties including mileage and board and room necessary for the conduct of hearings in Concord, except that no person who is a member of the appellate [division] board and holds a part time, full time or per diem position position with the executive, legislative or judicial branch shall receive the [\$100 per day] per diem allowance.

II. In the event of an increased workload the chair of the appellate board may request the governor with the advice and consent of the executive council to appoint up to 4 additional at-large members to the board, with equal representation for business management and organized labor. These new members shall serve for 3 years or until notified by the chair that the workload has been reduced to a level so that their services are no longer required.

11 Organization and Support; Renaming the Appellate Division the Appellate Board. Amend RSA 282-A:63 to read as follows:

282-A:63 --Organization and Support. The appellate [division] board shall be part of the department of employment security for organizational purposes but shall operate independently of that department. [Annual funding for the appellate division shall be determined by the commissioner after consultation with the chairman of the division and] The commissioner, after consultation with the appellate board chair, shall develop a cooperative working agreement outlining the annual funding for the appellate board which shall be provided for and administered by the commissioner. The agreement shall also describe all clerical personnel, facilities, space, supplies, services, and other support necessary to the functioning of the appellate [division] board which shall be determined by, provided for, and administered by, the commissioner.

12 Jurisdiction; Replacing Appeal Tribunal with First Level Appeal Chairman; Renaming the Appellate Division the Appellate Bureau. Amend RSA 282-A:64 to read as follows:

282-A:64 --Jurisdiction.

I. The appellate division shall hear appeals from decisions of the [appeal tribunal] first level appeal chairman. An appeal must be

filed with the appellate [division] board within 15 days of the date of mailing of:

(a) The commissioner's decision on a request for reopening; or

(b) The [appeal tribunal's] first level appeal chairman's decision on an appeal which had been remanded by the appellate [division] board, in which case a request for reopening is not required.

II. The appellate board may allow a late appeal, if, in its opinion, good cause exists.

[11] III. The review by the appellate [division] board shall be confined to the record. No evidence shall be received. The appellate [division] board shall provide all parties and the commissioner with a [transcription] tape recording of the [appeal tribunal] first level hearing [.] however, the appellate board chair may require a transcription of the first level hearing. In such case a copy shall be provided to all parties. The commissioner shall provide the appellate [division] board with a copy of all other department records relating to the claim.

IV. The appellate board may decline to review any appeal which presents no substantial question within the appellate board's jurisdiction as set forth in RSA 282-A:65.

13 Reversal, Modification, or Affirmation; Replacing Appeal Tribunal with Appeal Chairman; Renaming Appellate Division the Appellate Board. Amend RSA 282-A:65 to read as follows:

282-A:65 --Reversal, Modification or Affirmation. The appellate [division] board shall not substitute its judgment for that of the commissioner or appeal [tribunal] chairman as to the weight of the evidence on questions of fact, or as to the prudence or desirability of the determination. The appellate [division] board shall reverse or modify the decision or remand the case for further proceedings only if the substantial rights of the appellant had been prejudiced because the findings, inferences, conclusions, or the decision is:

I. In violation of constitutional or statutory provisions; or

II. In excess of the statutory authority of the department of employment security; or

III. Affected by reversible error of law; or

IV. Affected by fraud; or

V. Affected by the absence of newly discovered evidence, which was not available to the affected party upon reasonable search at the time of the [appeal tribunal] first level hearing, in which case the appeal shall be remanded to the first level appeal [tribunal] chairman. Otherwise, the appellate [division] board shall affirm the order.

14 Quorum, Sessions, Exclusivity; Replacing the Appeal Division with Appeal Board; Renaming Appellate Division the Appellate Board. Amend RSA 282-A:66 to read as follows:

282-A:66 ---Quorum, Sessions, Exclusivity.

1. The appellate [division] board, while in session, shall consist of 3 members designated by the [chairman] chair. Any party aggrieved by a decision of the appeal [tribunal] chairman may appeal. The parties to such appeal shall be the claimant, all interested parties as defined in this chapter, and the commissioner. The appellate [division] board shall adopt rules of procedure pursuant to RSA 541-A. It shall not require written briefs. The appellate [division] board shall:

(a) Render a written decision within 15 business days of the hearing; [or] and

(b) Adopt the decision of the first level appeal [tribunal] chairman.

[When a decision is not rendered within 15 business days after the hearing such will constitute a dismissal of the appeal.]

11. The appellate [division] board shall sit in Concord, or any other area designated by the chair, and shall hold sessions at least



monthly for the purpose of hearing arguments, making orders, rendering decisions and filing opinions.

III. The appellate procedures provided by this chapter shall be exclusive.

15 Judicial Review; Replacing the Appeal Tribunal with Appeal Chairman; Renaming Appellate Division the Appellate Board. Amend RSA 282-A:67 to read as follows:

282-A:67 Administrative Reconsideration and Judicial Review.

I. An interested party who is aggrieved by the decision of the appellate board or the commissioner, may within 20 days of the date of mailing of the board's decision request that the board reconsider its decision or that the board order a new hearing specifying in the request the grounds therefor. The appellate board shall within 30 days deny or grant the motion for reconsideration or order a new hearing.

[I] II. An interested party who has exhausted all administrative remedies within the department and who is aggrieved by a final decision of the [appeal tribunal] first level appeal chairman as reversed, modified, or affirmed by the appellate board after a motion for reconsideration is granted or denied or after the decision on rehearing, may appeal that decision to the supreme court, but only if the notice of that appeal is filed with the court within [15] 30 days after the date of mailing of the decision from which the appeal is taken and the notice of appeal is served upon the [appeal tribunal] commissioner and the attorney general contemporaneously with the filing of that notice of appeal with the court. In addition, that notice of appeal shall be served upon all parties of record. The service required by this section may be in person or by certified mail, return receipt requested. The appeal shall be styled "appeal of name of the party filing the appeal regarding [() unemployment compensation [appeal tribunal]]" (and shall be an in rem proceeding). Any interested party, and the state, shall have a right to participate as a party in the appellate proceedings before the court. The notice of appeal shall specifically identify each error for which review is sought. The filing of a notice of appeal shall not stay enforcement of the appeal [tribunal] chairman's decision.

[II] III. Within 60 days after the service of the notice of appeal upon the [appeal tribunal] commissioner, or within such further time allowed by the court, the [appeal tribunal] commissioner shall transmit to the court a certified copy of the entire record of the proceeding [before the appeal tribunal]. By stipulation of all parties to the review proceeding, the record may be shortened. If the record is shortened by stipulation, the court may subsequently require additional portions of the record certified.

[III] IV. The review of the court shall be confined to the record. No evidence shall be received in the court. The court may require oral argument or written briefs, or both.

[IV] V. The court shall not substitute its judgment for that of the appeal [tribunal] chairman as to the weight of the evidence on questions of fact. The court shall reverse or modify the decision of the [appeal tribunal] commissioner, or remand the case for further proceedings, as determined by the court, only if the substantial rights of the appellant had been prejudiced because the administrative findings, inferences, or conclusions are:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of statutory authority;
- (c) Made upon unlawful procedures;
- (d) Clearly erroneous in view of the substantial evidence

on the whole record; or

- (e) Affected by other error of law.

Otherwise, the court shall affirm the [appeal tribunal] commissioner's decision.

16 Membership of Appellate Board. Notwithstanding RSA 262-A:62, the members of the appellate division shall become members of the appellate



board upon passage of this act. The terms of the initial members of the appellate board shall expire at the time such individual's terms in the appellate division were due to expire.

17 Rules; Appellate Division. Any rule adopted by the appellate division under RSA 282-A:66 shall remain in effect until its expiration date under RSA 541-A:2, IV, unless the appellate board amends or repeals the rule, pursuant to RSA 282-A:66, prior to that date.

18 Repeal. RSA 282-A:54, relative to the tenure of members of the appeal tribunal, is repealed.

19 Effective Date. This act shall take effect January 1, 1988.

#### AMENDED ANALYSIS

This bill renews the department of employment security for 6 years.

The bill, as amended, replaces the appeal tribunal in the department of employment security with an appeal chairman, who shall perform the functions previously performed by the tribunal. The appellate division is renamed the appellate board.

The chair and vice chair of the appellate board shall be paid \$150 for each day they perform services.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Blanchette explained the amendment.

Rep. Nichols spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 285, relative to overtime work. Majority: Inexpedient to Legislate. Minority: Re-Refer to Committee.

MAJORITY: The intent of the bill to regulate overtime work was vague in its language and would create more problems than it would solve. Only testimony given in person was by an employee of one company in question. Vote 9-4. Rep. Mark E. Manus for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: The minority, unable to agree with the 9-4 majority vote Inexpedient to Legislate, believes the bill ought to be re-referred to Committee. Testimony at the hearing indicated that employees in the State are being forced to work 16 hours a day and over 80 hours a week, and failure to work those hours leads to termination. As a matter of public policy, the minority feels the need for the establishment of some upper limit on the number of hours a person can be forced to work. While the bill needs some work, the minority feels a problem exists that must be addressed, and therefore, the bill should be re-referred to Committee. Rep. Robert R. Cushing, Jr. for the Minority of Labor, Industrial and Rehabilitative Services.

Rep. Cushing moved that the report of the Minority, Re-Refer to Committee, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

(Deputy Speaker Burns in the Chair)

Rep. Powers spoke against the motion.

(Speaker in the Chair)

Rep. Pantelakos spoke in favor of the motion.

Rep. Cushing yielded to questions.

Rep. Guay spoke against the motion.

Rep. Blanchette spoke in favor of the motion and yielded to questions.

Rep. Maurice MacDonald spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 170 NAYS 172  
YEAS 170

BELKNAP: Bowler, Golden, Hardy, Hawkins, Pearson, Randall, Lawrence Richardson and Wixson.

CARROLL: Olimpio and Schofield.

CHESHIRE: Blacketer, Clark, Cole, Corrigan, Daschbach, Jesse Davis, Doucette, Daniel Eaton, Foster, Irvin Gordon, LaMar, Matson, Perry, Pierce, William Riley, Sawyer and Schwartz.

COOS: Coulombe, Lemire, Mayhew, Nelson and Theriault.

GRAFTON: Bennett, Blair, Chambers, Copenhaver, Densmore, Driscoll, Wayne King, LaMott, Lougee and Rounds.

HILLSBOROUGH: Baker, Baldizar, Bourque, Boutwell, Buckley, Champagne, Chretien, Cid, Cote, Cox, Cusson, Daigle, Ann Derosier, Paul Dionne, Domaingue, Donovan, Dube, Dupont, Durant, Dwyer, Joseph M. Eaton, Nancy Ford, Frank, Ruth Gage, Gagnon, Gelinas, Genest, Scott Green, Guilbert, Betty Hall, Marian Harrington, Healy, Chris Jacobson, Donna Kelly, Lanzara, Leclerc, Long, Lozeau, Moore, Morrisette, Mulligan, Nixon, O'Rourke, Pappas, Pignatelli, Price, Reardon, Reidy, Herbert Richardson, Routhier, Leonard Smith, Soucy, Sullivan, Turgeon, Winn, Wood and Zajdel.

MERRIMACK: Austin, Bardsley, Beaton, Cahill, James Chandler, Fillion, Hager, Douglas Hall, Hess, Mary Holmes, Burton Knight, Philbrick, Provencal, Rehlander, Walter Robinson, Gerald Smith, Trombly, Tupper, Wallner and Yeaton.

ROCKINGHAM: Blaisdell, Blanchard, Blanchette, Buco, Butler, Eunice Campbell, Carpenito, Conroy, Cressy, Cushing, Ellyson, Fesh, Elizabeth Greene, Hollingworth, Hynes, Robert Johnson, Joyce, Lovejoy, McGovern, Panteiakos, Pevear, Popov, Read, Ritzo, Sherburne, Splaine, Tilton, Vaughn and Weddle.

STRAFFORD: Callaghan, Casey, Albert Dionne, Patricia Foss, Sandra Keans, Kincaid, Lachance, Laurion, Lussier, Martling, William McCann, Proulx, Francis Robinson, Wall and Wilson.

SULLIVAN: Brodeur, Cutting, Ingram, Krueger, Lindblade, Normandin and Sara Townsend.

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BELKNAP: Bolduc, Brown, Richard Campbell, Dexter, Malcolm Harrington, Jensen, Locke and Turner.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Delano, Grodin, Hunt, Morse, Parker and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Marsh, Oleson and Purrington.

GRAFTON: Adams, Bean, Christy, Dearborn, Hammond, Ezra Mann, McAvoy, Scanlan, Stewart, Howard Townsend, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Beaupre, Bowers, A. Leslie Burns, Cowenhoven, Gerard Desrochers, William Desrosiers, Drolet, Clyde Eaton, Fields, Granger, Grip, Holden, Humphrey, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Korcoulis, Kurk, Levesque, Magee, Messier, Robert Murphy, Packard, Paquette, Pariseau, Perham, Prestipino, Rodgers, Sallada, Schneiderat, Shriver, Steiner, Stiles, Stonner, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Laurent Boucher, Fraser, Gilbreth, Hayes, C. William Johnson, Kidder, Lewis, Lockwood, Merton Mann, Manus, Millard, Nichols, Pantzer, Phelps, Doris Riley, Stio, West and Whittemore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, William Boucher, Marilyn Campbell, Cooke, Drake, Felch, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Haynes, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Mace, Magoon, William F. McCain, McKinney, Newell, Palumbo, Rosencrantz, Schmidtchen, Seward, Simon, Skinner, Sochalski, Sytek, Tufts, Vartanian, Walker, Warburton, Welch, Woodward and Wright.

STRAFFORD: Appleby, Bates, Bernard, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Frechette, Jean, Robert Jones, Kinney, Koromilas, Parks, Spear, Swope and Ann Torr.

SULLIVAN: Behrens, Domini, Flint, Peyron, Rodeschin and Schotanus, and the motion lost.

Rep. Ramsay notified the Clerk that she wished to be recorded in favor of the motion.

Rep. Blanchette moved that HB 285 be laid upon the table.

The Chair requested a division.

153 members having voted in the affirmative and 193 in the negative, the motion lost.

Rep. Ramsay notified the Clerk that she wished to be recorded against the motion.

Question now being on the Majority report, Inexpedient to Legislate, a roll call was requested and withdrawn.

Resolution adopted.

Rep. Ramsay notified the Clerk that she wished to be recorded against the Committee report, Inexpedient to Legislate.

HB 644, relative to zoning exemptions for certain utility structures. Ought to Pass.

This bill brings the procedures for exemptions of small public utilities structures into conformity with planning and zoning statutes. Testimony was largely in support. Vote 16-1. Rep. George M. West for Municipal and County Government.

Ordered to third reading.

HB 191, to prohibit the discharge of certain amounts of chlorine into the coastal waters off Hampton and Seabrook. Inexpedient to Legislate. The Committee believes this bill has some good points pertaining to chlorine in our coastal waters. The issue of chlorine in our coastal waters is something that should be looked at, but for the entire coast and not one specific area. Vote 13-0. Rep. Wayne Spear, Jr. for Resources, Recreation and Development.

Resolution adopted.

Rep. Sytek abstained from voting under Rule 16.

HB 587-FN, relative to possession of marijuana. Ought to Pass with Amendment.

The Committee agreed that the current law making possession of one pound of marijuana is too lenient, but that the original bill making possession of one ounce a felony was too severe. The amended amount of five ounces was a compromise. Vote 14-1. Rep. Robert H. Lockwood for Children, Youth and Elderly Affairs.

Rep. Robert Jones moved that the words, Re-Refer to Committee, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Adopted.

HB 101-FN, relative to sunset review of the joint legislative committee on review of agencies and programs. Ought to Pass with Amendment.

As amended, HB 101 renews the program review process formerly known as Sunset and incorporates changes recommended by Price Waterhouse and the report of the Committee on SCR 1 in 1985-86. The last four paragraphs of the amendment explain the substance of the amendment. Vote 11-0. Rep. Mary Ann Lewis for Legislative Administration.

#### Amendment

Amend the bill by replacing the title of the bill with the following:

#### AN ACT

relative to sunset review of the joint legislative committee  
on review of agencies and programs and relative to  
the legislative program review process.

Amend the bill by replacing section 3 with the following:

3 Definitions. Amend RSA 17-F by inserting after section 1 the following new section:

17-F:1-a Definitions.

I. "Agencies and programs" are those set forth in RSA 17-G:5.

II. "Office" means the office of legislative program review established pursuant to RSA 17-F:6.

III. "Program review committee" means the joint legislative committee on review of agencies and programs established under RSA 17-F:1.

4 Establishment; Office of Legislative Program Review. RSA 17-F:6 is repealed and reenacted to read as follows:

17-F:6 Office of Legislative Program Review Established. There shall be an office of legislative program review under the supervision of the joint legislative committee on review of agencies and programs. The office shall be administered by a director of program review. The committee shall appoint and fix the compensation of the director.

5 New Sections; Office of Program Review. Amend RSA 17-F by inserting after section 6 the following new sections:

17-F:7 Assistants. The director, with the approval of the program review committee, shall appoint and fix the compensation of such assistants as are needed to carry out the office's responsibilities and compensate them out of funds appropriated to the office or out of funds appropriated to the general court as joint expenses. The program review committee is authorized to make such other expenditures as are necessary to carry out its duties under RSA 17-F and RSA 17-G.

17-F:8 Office Duties. The office of legislative program review shall have the following duties:

I. To conduct program evaluations and studies of state agencies and programs in accordance with the review schedule contained in RSA 17-G:5.

II. At the program review committee's direction, conduct follow-up studies and reports concerning the implementation of legislative policies, directives, and initiatives adopted as part of the legislative program review process.

III. To conduct such studies regarding the operation of state government, other than those agencies exempted under RSA 17-G:4, as the program review committee may authorize.

17-F:9 Access to Records.

I. Every agency, whether or not directly under review, shall cooperate with the office of legislative program review and with the designated standing committees in providing information needed to prepare the reports required by this chapter.

II. In the absence of voluntary cooperation, the director, with the approval of the program review committee, shall have the power to inspect and make copies of any books, records, or files of all state agencies, and any and all instruments or documents pertaining to the purposes of this chapter. The office may inspect all records which are classified as confidential by any of the laws of the state, but shall be required to maintain confidentiality of such records except for the purpose of developing general statistics and evaluations of the operations of state government.

III. All reports issued by the office shall include a statement of any occasion on which it was necessary to invoke paragraph II of this section. Such statement shall also, if possible, include a description of the documents and the use to which they were put in preparing required reports and shall include an unedited explanation of the situation by the agency administrator.

17-F:10 Office Evaluation. The committee shall make arrangements for an independent evaluation of the office of legislative program review to be conducted within fiscal year 1994 and at least every 8 years thereafter.

6 Legislative Review of State Agencies and Programs; Definitions.

RSA 17-G:2 is repealed and reenacted to read as follows:

17-G:2 Definitions. In this chapter:

I. "Agencies and programs" are those set forth in RSA 17-G:5.

II. "Office" means the office of legislative program review established under RSA 17-F:6.

III. "Program review committee" means the joint legislative committee on review of agencies and programs established under RSA 17-F.

7 Sunset Review Dates. RSA 17-G:3 is repealed and reenacted to read as follows:

17-G:3 Review Dates Established. The first review date for an agency or program is the date set forth in accordance with RSA 17-G:5, II and each subsequent review date for an agency or program is the date 8 years following the preceding review date, except for those agencies and program designated in RSA 17-G:4.

8 Exemptions from Review Process. RSA 17-G:4 is repealed and reenacted to read as follows:

17-G:4 Exemptions from Review Process. The following agencies shall be exempt from review under this chapter:

I. The office of the secretary of state.

II. The office of the state treasurer.

III. All legislative agencies or offices.

IV. All agencies or offices established solely by executive order of the governor.

9 Program Review Schedule. RSA 17-G:5 is repealed and reenacted to read as follows:



## 17-G:5 Program Review Schedule.

I. All state agencies and programs shall be reviewed no later than December, 1995.

II. Agencies and programs shall be reviewed on the following schedule:

1988

- (a) The following agencies and programs shall be reviewed in 1988:
- (1) Department of administrative services (RSA 21-I).
  - (2) Department of corrections (RSA 21-H).
  - (3) Department of libraries, arts and historical resources (RSA 21-K).
  - (4) Higher education and health facilities authority (RSA 195-D:4).
  - (5) School building authority (RSA 195-C:1).
  - (6) Water well board (RSA 489-B:3).

1989

- (b) The following agencies and programs shall be reviewed in 1989:
- (1) Department of labor (RSA 273:1).
  - (2) Department of transportation (RSA 21-L).
  - (3) Industrial development authority (RSA 162-A:3).
  - (4) Insurance department (RSA 400-A:1).
  - (5) Municipal bond bank (RSA 35-A:4).

1990

- (c) The following agencies and programs shall be reviewed in 1990:
- (1) Connecticut river valley flood control commission (RSA 487:1).
  - (2) Department of resources and economic development (RSA 12-A:1).
  - (3) Department of safety (RSA 106-A:1).
  - (4) Electricians' board (RSA 319-C:4).
  - (5) Maine-New Hampshire interstate bridge authority (RSA 234:43).
  - (6) Merrimack river valley flood control commission (RSA 487-A:1).
  - (7) New England interstate water pollution control commission (RSA 488:1).
  - (8) Northeastern forest fire protection commission (RSA 226:2).
  - (9) Standardbred breeders and owners development agency (RSA 435:6).

1991

- (d) The following agencies and programs shall be reviewed in 1991:
- (1) Department of health and human services (RSA 126-A:3).
  - (2) Board of registration in medicine (RSA 329:2).
  - (3) Board of podiatry (RSA 315:1).
  - (4) Board of barbering and cosmetology (RSA 313-A:2).
  - (5) Board of registration of funeral directors and embalmers (RSA 325:2).
  - (6) Board of registration in optometry (RSA 327:2).
  - (7) Board of dental examiners (RSA 317-A:2).
  - (8) Board of examiners of psychologists (RSA 330-A:3).
  - (9) Pharmacy board (RSA 318:2).

1992

- (e) The following agencies and programs shall be reviewed in 1992:
- (1) Department of environmental services (RSA 21-0).
  - (2) Adjutant general (RSA 110-B:8).
  - (3) Department of justice (RSA 21-M).
  - (4) Bank commissioner (RSA 383:1).
  - (5) Housing finance authority (RSA 204-C:2).
  - (6) Port authority (RSA 271-A:1).
  - (7) Postsecondary education commission (RSA 188-D:2).
  - (8) Sweepstakes commission (RSA 284:21-a).
  - (9) Workers' compensation commission for state employees (RSA 21-I:23).
  - (10) Board for the licensing and regulation of plumbers (RSA 329-A:3).

1993

- (f) The following agencies and programs shall be reviewed in 1993:
- (1) Department of agriculture (RSA 425:1).
  - (2) Fish and game department (RSA 206:1).
  - (3) Governor's commission for the handicapped (RSA 275-C:2).
  - (4) University system of New Hampshire (RSA 187-A:1).
  - (5) Veterans council (RSA 115:1).
  - (6) Board of accountancy (RSA 309-A:2).
  - (7) Real estate commission (RSA 331-A:1-a).
  - (8) Advisory board of shorthand reporters (RSA 331-B:2-a).
  - (9) Joint board of engineers, architects and land surveyors (RSA 310-A:1).
  - (10) Board of auctioneers (RSA 311-B:2).
  - (11) Board of veterinary medicine (RSA 332-B:3).
  - (12) Pari-mutuel commission (RSA 284:6-a).

1994

- (g) The following agencies and programs shall be reviewed in 1994:
- (1) Department of education (RSA 21-N).
  - (2) Department of revenue administration (RSA 21-J:1).
  - (3) Fire standards and training commission (RSA 154-C:1).
  - (4) New Hampshire retirement system (RSA 100-A:2).
  - (5) Office of state planning (RSA 4:12-d).
  - (6) Police standards and training council (RSA 188-F:24).
  - (7) Public employee labor relations board (RSA 273-A:2).
  - (8) Board of nursing education and nurse registration (RSA 326-B:3).
  - (9) Board of chiropractic examiners (RSA 316:2).
  - (10) Commission for human rights (RSA 354-A:4).

1995

- (h) The following agencies and programs shall be reviewed in 1995:
- (1) Board of claims (RSA 541-B:2).
  - (2) Board of tax and land appeals (RSA 71-B:1).
  - (3) Boxing and wrestling commission (RSA 285:2).
  - (4) Civil air patrol (RSA 261:93).
  - (5) Civil defense agency (RSA 107:3).
  - (6) Commission on the status of women (RSA 19-B:1).
  - (7) Department of employment security (RSA 282-A:107).
  - (8) Department of postsecondary vocational-technical education (RSA 188-F:2).

- (9) Highway safety agency (RSA 238:7).
- (10) State liquor commission (RSA 176:1).
- (11) Public utilities commission (RSA 363:1).
- (12) Veterans' home (RSA 119:1).

10 Review Procedure. RSA 17-G:8 is repealed and reenacted to read as follows:

17-G:8 Review Procedure.

I. The review and evaluation procedure outlined under this section shall have the following objectives:

- (a) The identification of inactive entities.
- (b) The identification of entities which duplicate other entities or other governmental programs and activities.
- (c) The identification of inefficient, unnecessary, or ineffective programs or practices.
- (d) The identification of confusing, inefficient, or unnecessary rulemaking.
- (e) The identification of outmoded, inconsistent, or unnecessary statutory requirements.
- (f) The identification of entities which are not in compliance with statutory requirements.

II. The program review committee shall, in consultation with the appropriate standing committees of the house and senate, determine the specific scope of research and analysis to be conducted by the office for any agency scheduled for review.

11 New Section; Reports. Amend RSA 17-G by inserting after section 8 the following new sections:

RSA 17-G:8-a Reports; Legislative Committee Action.

I. The office of program review shall issue a report on each agency or program scheduled for review in any calendar year. The report on each agency or program shall be issued at such time during that year as is determined by the program review committee, provided, however, that the office's report on each entity scheduled for review in any year shall be issued no later than December 15 of that year.

II. The office's report on each agency or program scheduled for review shall include, but not be limited to, information on:

- (a) The law or laws under which such program or agency was created and carries on its activities.
- (b) The amount of appropriation for such program or agency for each of the past 8 fiscal years.
- (c) An identification of other agencies or programs of state government having the same or similar objectives along with a comparison of the cost and effectiveness of such agencies or programs, and any duplication of the entity under review.
- (d) An examination of the extent to which the objectives of the agency or program under review have been achieved when compared to the objectives set forth for the agency or program under review and an analysis of any significant variance between projected and actual performance.
- (e) The objectives of the program or agency, as required by RSA 9:4.
- (f) The agency's or program's progress toward applying the benefits, economies, and efficiencies of computer processing to its operations, if and where applicable.
- (g) Compliance with general and specific statutory requirements.

III. The report of the office of program review on any agency or program scheduled for review shall be submitted to the program review committee. The committee shall transmit these reports to the standing policy committees of the house and senate with oversight responsibility for the agency or program in question for their review and action. If a committee responsible for the agency or program determines that the

legislature should examine the continuation of such agency or program or modify its mission or structure, it shall introduce a bill into the house or senate.

12 New Section; New Agencies and Programs. Amend RSA 17-G by inserting after section 10 the following new section:

17-G:11 New Agencies and Programs. Any laws creating new agencies or programs, including reorganizations of existing agencies, but other than those specified in RSA 17-G:4, shall include a review date for the agencies or programs established.

13 Repeal. The following are hereby repealed:

I. RSA 17-F:5, relative to legislative review of the joint legislative committee on review of agencies and programs.

II. RSA 17-G:6, relative to committee jurisdiction for review.

14 Effective Date. This act shall take effect July 1, 1987.

This bill, as amended, makes extensive changes in the procedures for legislative review of agencies and programs. Under this bill, agencies and programs will no longer be scheduled for automatic termination every 6 years. Instead, each agency or program will be scheduled for review every 8 years. The joint legislative committee on review of agencies and programs shall, in consultation with the appropriate standing committees of the house and senate, determine the scope of review necessary for each agency and program. The review shall be conducted by an office of legislative program review, which is created by this bill.

This bill provides that the office of legislative program review shall issue a report on each agency or program scheduled for review in any calendar year. The reports shall be submitted to the joint legislative committee on review of agencies and programs, which shall in turn submit the reports to the standing committees of the house and senate with oversight responsibility for the agency or program in question. If a standing committee determines that the legislature should examine the continuation of such agency or program or modify its mission or structure, it shall introduce a bill relative to such agency or program into the house or senate.

This bill exempts the following from the review process: (1) the office of the secretary of state; (2) the office of the state treasurer; (3) legislative agencies or offices; and (4) agencies or offices established solely by executive order of the governor.

Under this bill, the office of legislative program review shall have access to confidential state agency records but must maintain the confidentiality of such records. The office of legislative program review shall be independently evaluated every 8 years.

Amendment adopted.

Rep. Blanchard yielded to questions.

Rep. Marian Harrington spoke to the report.

Ordered to third reading.

#### ENROLLED BILL REPORT

SB 31, relative to the department of health and human services, and making an appropriation therefor.

Rep. Raymond C. Buckley, II  
Sen. John P.H. Chandler, Jr.  
For the Committee.

The Claremont Delegation offered the following:

HOUSE RESOLUTION NO. 26

honoring Representative Richard H. Krueger of Claremont.

WHEREAS, in November of 1986, Richard H. Krueger was elected to serve his first term in the New Hampshire House of Representatives and was seated as an honorable and esteemed member of the Standing Committee on Commerce, Small Business and Consumer Affairs, and

WHEREAS, on March 7, 1987, Richard H. Krueger was named Citizen of the Year by the Greater Claremont Chamber of Commerce, receiving the City's high accolade for his outstanding contributions to the community, and

WHEREAS, being an untiring and devoted leader, Richard H. Krueger has served five years as a member of the Claremont School Board, sitting as Chairman and as Vice Chairman, and

WHEREAS, Richard H. Krueger has freely given of his time and energy to numerous organizations, including as Vice President of County Coach, as Vice President of Connecticut Valley House, and as a member of the 504 Committee, and

WHEREAS, in 1955, Richard H. Krueger received his bachelor's degree from Tufts University, and then in 1978 earned his masters of education from Springfield College, followed in 1979 with a certificate of advanced studies in industrial education, and

WHEREAS, Richard H. Krueger served in the United States Navy, retiring as a Lieutenant Commander in 1973 after eighteen years of active duty, and

WHEREAS, Richard H. Krueger was a standout track athlete while attending Spaulding High School in Rochester and in 1951 set a New England indoor high hurdle record that stood for nine years, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Richard H. Krueger be saluted and applauded for his most recent honor as Man of the Year, and for his contributions to the City of Claremont and the State, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to him.

Unanimously adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Friday, March 13 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 213, relative to guardians for minors and the correction of statutory references for certain appeals.

HB 422-FN, creating a committee to study and revise the laws pertaining to elderly persons.

HB 699-FN, establishing a task force to study support services for families with developmentally disabled children.

HB 709-FN, relative to children's interagency dispute resolution.

HB 418, relative to mutual holding companies.

HB 446, relative to the registration of partnerships and corporations.



HB 474-FN, relative to solicitations for charitable purposes.

HB 515, relative to liens in favor of home health care providers.

HB 518, relative to enforcement of the underground utility damage prevention system.

HB 152-FN, relative to sunset review of the board of education - administration and support.

HB 153-FN, relative to sunset review of the board of education - financial aids.

HB 154-FN, relative to sunset review of the board of education - special services.

HB 158-FN, relative to sunset review of the department of education - adult basic education.

HB 114-FN, relative to sunset review of dental board and relative to continuing education and confidentiality of certain hearings by the dental board.

HB 117-FN, relative to sunset review of board of medicine.

HB 122-FN, relative to sunset review of board of psychologists.

HB 633-FN, relative to unlicensed funeral home employees and funeral home inspections.

HB 503, relative to regulation of existing weirs.

HB 264, relative to the composition of the court accreditation commission.

HB 425-FN, relative to the powers of the adult parole board and credits for good conduct.

HB 579-FN, relative to combining the Peterborough and Jaffrey district courts and providing for the tenure of justices when judicial districts are combined.

HB 584-FN, relative to the special justice of the Pelham municipal court.

HB 605-FN, relative to the terms of persons committed to jails or houses of correction in default of payment of fines.

HB 695-FN, relative to committal orders for persons found not guilty by reason of insanity.

HB 227, requiring notification of late payments by subcontractors to unions.

HB 406, relative to the priority of unpaid employee wages in insolvency proceedings.

HB 101-FN, relative to sunset review of the joint legislative committee on review of agencies and programs and relative to the legislative program review process.

HB 102-FN, relative to sunset review of office of legislative services.

HB 62, relative to establishing salaries of county officers.

HB 540-FN, relative to bingo and lucky 7 licenses.

HB 420, restricting power boats on Hermit Lake in the town of Sanbornton and requiring the division of safety services to make a study and hold a hearing relative to boating on Lake Pemigewasset in the towns of New Hampton and Meredith.

HB 421, permitting the appointment of alternate members to conservation commissions, and clarifying the authority of conservation commissions to spend funds appropriated to them.

HB 275-FN, establishing a public investments study committee.

HB 431, relative to treasury deposits.

HB 426, allowing the rendition pursuant to the Interstate Compact on Juveniles of a juvenile charged with delinquency.

CACR 4, relating to the amount in controversy required for a jury trial. Providing that the amount shall exceed \$1,500.

HB 229, relative to the exemption of skeet, trap, shooting sports clubs and owners of shooting ranges from any civil or criminal actions relating to noise pollution.

HB 565-FN, relative to off highway recreational vehicles.

HB 36, relative to alimony and property settlements and fault grounds in divorce.

HB 454, relative to proof of exceptions.

HB 165-FN, relative to sunset review of the department of employment security and relative to appellate procedure in such department.

HB 644, relative to zoning exemptions for certain utility structures.

Rep. Palumbo moved that the House stand in recess.

Adopted.

The House recessed at 3:55 p.m.

RECESS

(Speaker in the Chair)

Rep. Emma Wheeler moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 12

*Friday, 13Mar87*

The House assembled at 10:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

God of steadfast love, who has remained faithful to every covenant, and has kept every promise, You know we labor long and hard in this work. We have made difficult choices, and have said no to other opportunities, in order to be here.

All that we ask is the assurance that what we do will make a difference...that our labors are not in vain, our debates are not irrelevant, our decisions are not belittled.

Grant, O Yahweh, that we may remain responsive to those whom we have been elected to serve, and faithful to our common task. Amen.

Rep. Benton led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Manus, Mace, George Gordon, Boisvert, Schwaner, Malcolm, Popov, Wells, Cox, Zajdel, Cook and McKee, the day, illness.

Reps. Casey, Thurston, William Riley, Holbrook, Welch, Pariseau, Hounsell, Parr, Blanchette, Holden, Tom Gage, Wallner, Crystal, Michael Jones, Ducharme, Maviglio, Hatch, Bass, McRae, Dykstra, Scott, Lionel Boucher, D'Amante, Burkush, John Young, Moore, Buco, Levesque, Carl Anderson, Bates, Musler, Gerald Smith, Price, Gourdeau, Stonner, Grip, Palumbo and Cid, the day, important business

Reps. Joseph MacDonald and Blanchard, the day, illness in the family.

## INTRODUCTION OF GUESTS

Barbara Rodeschin and Rita Laclair, guests of Rep. Rodeschin; former Representative Paul L. Kinney, father of Rep. Kinney.

Reps. George Katsakiores, Phyllis Katsakiores, Eunice Campbell, Conroy, Fesh, Lovejoy, Maurice MacDonald and Newell offered the following:

## HOUSE RESOLUTION NO. 27

honoring the World Champion Red Star Baton Twirlers of Derry.

WHEREAS, in 1977, twelve girls from the Derry area were brought together to form the Red Star Baton Twirlers, and during the ten years that have followed, the group's membership has grown to twenty-five girls, and

WHEREAS, in 1980, 1982, 1984 and most recently in July of 1986, the Red Star Baton Twirlers of Derry were crowned World Champions, and

WHEREAS, at the 1986 World Championships held at the University of Notre Dame in South Bend, Indiana, the Red Star Baton Twirlers collected sixteen trophies and seventy-three gold medals, and

WHEREAS, the Red Star Baton Twirlers, on the heels of winning the 1986 World Championships, did receive and did accept an invitation to tour the Soviet Union from August 13 to August 27, 1987, and

WHEREAS, during the ten years of its existence, the group has collected numerous commendations, titles and awards, including being named the Outstanding Youth Group of Southern New Hampshire, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the Red Star Baton Twirlers of Derry and the group's director, Gina Branley Hutchinson, be lauded for the dedication and hard work that made them World Champions, and be it further

RESOLVED, that the Red Star Baton Twirlers of Derry be extended the very best wishes for a successful 1987 tour of the Soviet Union, and that a suitable copy of this Resolution be prepared for presentation to the group's director.

Unanimously adopted.

Rep. Phelps offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 300, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

#### INTRODUCTION OF HOUSE BILL First, second reading and referral

HB 300-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989. (Appropriations)

Rep. Harold Burns moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 569-FN, relative to a long range capital improvement plan and integrated data system, was removed at the request of Rep. Gross.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 21-FN-A, relative to improvement of the state boat launch on Crystal Lake in the town of Enfield and making an appropriation therefor. Inexpedient to Legislate.

The Committee recognizes the need for this improvement, but understands this project is in the current program of the Department of Fish and Game. Therefore, this bill is unnecessary at this time. Vote 17-0. Rep. Robert G. Holbrook for Appropriations.

HB 75-FN-A, relative to registration fees for pesticide products and making an appropriation to the division of pesticide control. (A) Ought to Pass with Amendment.

The bill increases the pesticide registration fee from \$20 to \$33 for each pesticide registered with the Pesticide Control Division. The amendment removes the appropriation clause from the bill. The appropriation will be covered by the budget bill. Vote 16-0. Rep. Howard C. Townsend for Appropriations.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to registration fees for pesticide products.

Amend the bill by deleting section 2 and renumbering section 3 to read as section 2.

## AMENDED ANALYSIS

This bill increases the pesticide registration fee from \$20 to \$30 for each pesticide registered.

HB 79-A, making a capital appropriation for Tip Top House. Ought to Pass.

This bill appropriates \$90,000 to complete and refurbish the historical Tip Top House at Mt. Washington State Park. Vote 18-0. Rep. Paul I. LaMott for Appropriations.

HB 83-A, relative to the Cornish-Windsor bridge and making an appropriation therefor. (A) Ought to Pass with Amendment.

The amendment increases the amount appropriated to \$1.45 million in order to reconstruct the Cornish-Windsor bridge as mandated by the Legislature. Vote 18-0. Rep. Elizabeth Hager for Appropriations.

## Amendment

Amend 1986, 203:15 as inserted by section 1 by replacing it with the following:

203:15 Bridge Restoration/Authentic Rehabilitation. The sum of \$1,450,000 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 1987, for the purpose of the restoration/authentic rehabilitation of the Cornish-Windsor covered bridge on New Hampshire route 12-A over the Connecticut River. This appropriation shall be nonlapsing and in addition to any other appropriations for the department of transportation for the biennium.

I. Competitive bidding may be waived, but any bidding on this unique project shall be limited to contractors with demonstrated expertise in authentic restoration or rehabilitation of covered bridges. The department of transportation is authorized to reject any bids that in their opinion do not meet the requirements of this paragraph.

II. The restoration shall be overseen by the special committee on the Cornish-Windsor bridge of the New Hampshire executive council, but the department of transportation shall have overall authority for the reconstruction project.

III. This restoration/rehabilitation shall begin during the 1987 construction season.

Amend 1986, 203:16 as inserted by section 2 by replacing it with the following:

203:16 Bonds. To provide funds for the appropriation in section 15 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$850,000] \$1,450,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.



## AMENDED ANALYSIS

This bill amends the bridge restoration funding for the Cornish-Windsor covered bridge by increasing the appropriation authorized by \$600,000, to the total of \$1,450,000.

The bill further specifies that Graton Associates of Ashland, New Hampshire shall make the restoration pursuant to their design and specifications.

The restoration shall be overseen by a committee of the New Hampshire executive council known as the special committee on the Cornish-Windsor bridge.

Work on the bridge shall commence during the 1987 construction season.

HB 97-FN-A, appropriating funds to the department of agriculture for inspection of apiaries. (A) Ought to Pass with Amendment.

This bill appropriates funds (\$10,710) to enable the Department of Agriculture to inspect apiaries for control of certain bee diseases as mandated by statute. The amendment corrects a typographical error in the printing of the bill. Vote 18-0. Rep. Howard C. Townsend for Appropriations.

## Amendment

Amend the bill by replacing section 2 with the following:

2 Inspection of Apiaries; Rulemaking. RSA 429:8 is repealed and reenacted to read as follows:

429:8 Rulemaking. The commissioner of agriculture shall adopt rules, after a public hearing and pursuant to RSA 541-A, relative to:

I. Standards for inspection of apiaries.

II. Establishing fees for inspection of apiaries.

III. Measures necessary for the control, eradication, prevention of the introduction, spread, or dissemination of any and all bee diseases.

IV. Certifying imports of bees, and bee supplies or equipment.

V. Control of American foulbrood disease of honeybees.

3 New Sections; Control of Diseases and Appeals. Amend RSA 429 by inserting after section 11 the following new sections:

429:11-a Authorization to Destroy. In control or eradication of dangerous bee diseases, the commissioner of agriculture or his authorized representatives may destroy by burning or otherwise any infected bees, hives, honey, or appliances that he or they may deem necessary for such control or eradication, without remuneration to the owner. Such infected bees, hives, honey, and appliances shall be deemed a public nuisance.

429:11-b Appeals. Appeals from any decision by the commissioner under this subdivision shall be governed by RSA 541.

4 Effective Date. This act shall take effect July 1, 1987.

## AMENDED ANALYSIS

This bill appropriates \$10,710 to the department of agriculture for the state entomologist to inspect the apiaries of the state for the presence of dangers to the honeybee. It also gives the commissioner of agriculture additional authority to control and eradicate dangerous bee diseases.

This is a request of the department of agriculture.

HB 135-FN, relative to sunset review of the public utilities commission - administration and support. (A) Ought to Pass.

This bill renews the Public Utilities Commission and strengthens the Consumer Advocate Office by adding a rate analyst and an economist to that office. Vote 17-0 with 1 abstention. Rep. Howard C. Townsend for Appropriations.

HB 193-FN-A, relative to liquor store relocation and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill provides funds to relocate the Suncook Liquor Store to Allenstown. The amendment reduces the appropriation to the amount actually required by the Liquor Commission and removes a section inadvertently inserted into the bill. Vote 18-0. Rep. Laurent J. Boucher for Appropriations.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sum of \$105,000 for the fiscal year ending June 30, 1988, is hereby appropriated to the state liquor commission to move the Suncook store to, and reestablish such store in, Allenstown. This appropriation is in addition to any other funds appropriated to the state liquor commission. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill, as amended, appropriates \$105,000 for the fiscal year ending June 30, 1988, to the liquor commission to pay for expenses stemming from moving the Suncook store to, and reestablishing such store in Allenstown.

HB 244-FN-A, establishing a study committee to review existing fire laws and making an appropriation therefor. (A) Ought to Pass with Amendment.

The Committee fully supports this study of fire laws. It does feel, however, that the study can be done within current available funds so the amendment strikes the appropriation. Vote 18-0. Rep. Elizabeth Hager for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a study committee to review existing fire laws.

Amend the bill by deleting section 6 and renumbering section 7 to read as 6.

#### AMENDED ANALYSIS

This bill, as amended, establishes a fire law study committee to study all existing fire laws pertaining to fire prevention, training, and control, except those in RSA 224, and to make recommendations concerning such laws.

HB 265-FN-A, relative to incarcerated veterans and making an appropriation therefor. Inexpedient to Legislate.

The Committee felt that while the activities of the veterans group at the prison are worthwhile, they should be funded by the sponsoring organization rather than the state. Vote 18-0. Rep. Donna P. Sytek for Appropriations.

HB 302-rN-A, transferring excess litter removal funds to the statewide lilac account. Inexpedient to Legislate.

In reporting this bill as "Inexpedient to Legislate" it was the opinion of the Committee that funds are being provided in the operating budget to adequately provide for this program. Vote 18-0. Rep. Robert A. Johnson for Appropriations.

HB 360-rN-A, relative to the task force studying the classified personnel system for state government and making an appropriation therefor. Inexpedient to Legislate.

The subject matter of this bill will be considered in SB 147 which accomplishes the same goal at considerably less cost. Vote 18-0. Rep. Caroline L. Gross for Appropriations.

HB 371-rN-A, relative to the compromise of an action against the state and making an appropriation therefor. Ought to Pass with Amendment. This is a bill recommended by the House Claims Committee and the Attorney General's office relative to an action against the State of New Hampshire. Vote 18-0. Rep. William F. Kidder for Appropriations.

#### Amendment

Amend section 2 of the bill by replacing it with the following:

2 Effective Date. This act shall take effect upon its passage.

HB 377, to liquidate encumbrances and lapse available balances on certain capital accounts. Ought to Pass.

This bill cleans up the books relative to capital accounts. It is a housekeeping, money-saving measure. Vote 18-0. Rep. Elizabeth Hager for Appropriations.

HB 521, amending the New Hampshire life and health insurance guaranty association act. Re-Refer to Committee.

The sponsor requested and the Committee agreed that this bill should be re-referred to Committee. The Committee feels that the goals of this bill are worthy, but aspects of it need to be further studied and worked on. Vote 14-0. Rep. Raymond C. Buckley, II for Commerce, Small Business and Consumer Affairs.

HB 715, relative to automobile depreciation for purposes of establishing insurance coverage fee rates. Re-Refer to Committee.

The intent of this bill was commendable; but the language failed to address the sponsor's intent. What is desired can be addressed by an Insurance Department regulation. Vote 13-0. Leo W. Fraser, Jr. for Commerce, Small Business and Consumer Affairs.

HB 384, limiting contributions from political committees to candidates to \$100. Inexpedient to Legislate.

The Committee was interested in this subject matter, but felt this bill was not the proper vehicle. The bill would actually result in the formation of more PACs. Instead of one PAC donating \$5000, the group could divide and form 50 PACs that would give \$100. Concerns of the Committee included accessibility and availability of information due to the complicated paperwork that would be involved. Vote 10-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 413, changing the hours for holding sessions for the correction of the checklist. Inexpedient to Legislate.

This bill would change the hours for holding sessions for correction of the checklist. The main change would be changing the hours of the

Saturday session preceding the election from a minimum of between the hours of 11 a.m. to 12 noon to 4 p.m. to 6 p.m. Testimony given at the hearing was convincing enough to the Committee to feel that no change should be made in the existing statute and let the individual cities and towns set the hours within the present law. Vote 10-0. Rep. Roger Stewart for Constitutional and Statutory Revision.

HB 591-FN, relative to the retention of state election ballots. Ought to Pass.

Since the Federal law requires the State of New Hampshire to retain certain voting documents in State elections held simultaneously with balloting for federal offices, this bill ought to pass. This bill provides that all State election ballots remaining in the possession of the town or city clerk "may" rather than "shall" be destroyed 60 days after a State election. The Attorney General's Office has agreed to send a letter to all city and town clerks advising them of the federal requirements and suggesting they retain the ballots. Vote 9-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 163-FN, relative to sunset review of the boxing and wrestling commission. Ought to Pass with Amendment.

The Committee wrestled with the question of how to induce the Boxing and Wrestling Commission to promulgate rules. The amendment seemed to have a good ring to it and the Committee voted unanimously to recommend it to the full House. Vote 12-0. Rep. Wayne D. King for Executive Departments and Administration.

#### Amendment

Amend section 1 of the bill by replacing it with the following:

1 Sunset; Boxing and Wrestling Commission Renewed. The boxing and wrestling commission is hereby renewed to comply with RSA 17-G, except as provided in this section. The agency or program shall terminate on July 1, 1988, subject to RSA 17-G:7, 9 and 10, provided that the deadline for termination shall be July 1, 1988, and not the deadline established by RSA 17-G:5. If the commission files rules, pursuant to RSA 541-A, with the director of legislative services on or before July 1, 1988, the commission shall be renewed to comply with RSA 17-G. If the commission files rules with the director on or before July 1, 1988, the director shall certify such action to the president of the senate, the speaker of the house of representatives, and the secretary of state. The agency or program shall then terminate on July 1, 1993, subject to RSA 17-G.

#### AMENDED ANALYSIS

The bill, as amended, renews the boxing and wrestling commission for 1 year. The bill conditions the full 6 year renewal of the commission on the filing of rules by the commission with the director of legislative services on or before July 1, 1988.

HB 488, relative to the department of revenue administration. Ought to Pass with Amendment.

This is a housekeeping bill, which makes the language in RSA 77:17 concurrent to that in several other statutes. The amendment changes RSA 77:27-a so that current practices by the Department of Revenue Administration are more clearly defined. Vote 15-0. Rep. Phyllis M. Katsakiores for Executive Departments and Administration.

## Amendment

Amend RSA 77:27-a as inserted by section 2 of the bill by replacing it with the following:

77:27-a Minor Over or Under Payments Disregarded. Whenever it appears upon audit of his return that a taxpayer has overpaid his tax or has failed to pay the correct amount due and the discrepancy is less than [one dollar] \$5, the [director] commissioner may, in his discretion, disregard the error and consider the matter closed if in his opinion the cost to the state to rectify the error would exceed the amount involved.

Amend the bill by replacing section 3 with the following:

3 Collection of State Taxes. Amend RSA 21-J:1, II(a), to read as follows:

(a) Overseeing the collection of state taxes, assigned by specific tax law.

4 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill provides that small business corporations shall report certain information to the department of revenue administration generally, rather than to the director of interest and dividends of the department of revenue administration. This bill also transfers the power of abatement for minor over or under payments of taxes to the commissioner of revenue administration from the director of interest and dividends.

The bill, as amended, provides that the department of revenue administration shall be responsible for overseeing the collection of state taxes, assigned by specific tax law.

HB 551-FN, relative to computer based public records. Re-Refer to Committee.

This bill presents a proposal that is very worthwhile. It should serve to increase the efficiency of state government, and particularly, serve the needs of the general citizenry for information contained in public records. There are some serious problems involved that need further study. Of particular importance is the need to balance the right of each individual to privacy against the need for public access to governmental records. Vote 15-0. Rep. Paul R. Fillion for Executive Departments and Administration.

HB 657-FN, relative to the investment of state trust funds. Ought to Pass with Amendment.

This bill, requested by the State Treasurer, provides a procedure by which the Treasurer will invest trust funds according to the stated objectives of fund trustees and will report to the trustees on the financial activities of the funds. The amendment clarifies wording and deletes an obsolete provision. Vote 14-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

## Amendment

Amend RSA 11:5 as inserted by section 1 of the bill by replacing it with the following:

11:5 Investment of State Trust Funds. All trust funds in the custody of the state treasurer shall be invested and reinvested in legal investments allowable under RSA 6:8. All trust fund administrators shall notify the state treasurer, at least semi-annually, of the investment objective of any funds under their control with reference to the following objectives:



I. Maximum capital gain. The objective is to maximize capital appreciation through investment in financial instruments that possess greater than ordinary risk. A guaranteed stream of income is not sought nor is preservation of principal.

II. Growth. The objective is primarily to seek long-term appreciation of capital. The investment vehicle is mainly common stocks with growth potential. There is a slight risk that principal may be eroded in the short run.

III. Growth income. The objective is primarily to obtain long-term appreciation of capital while at the same time providing for some current income. There is a slight risk that principal will be eroded over the short run; but current income is available.

IV. Balanced. The objective is to minimize investment risk as much as is possible without sacrificing possibilities for both long-term growth in principal and current income. Investments include debt and equity instruments.

V. Income. The objective is to maximize current income rather than seek growth of principal through capital appreciation. Preservation of principal is ensured by investment in high quality equity and debt instruments.

VI. Money market/short-term liquidity. The objective is to maximize current income, guarantee preservation of capital, and keep assets highly liquid.

#### AMENDED ANALYSIS

This bill, as amended, authorizes the state treasurer to invest all state trust funds in his custody in legal investments allowable under RSA 6:8, the investment of funds by the state treasurer. All trust fund administrators shall notify the state treasurer of the investment objective of any funds under their control. The state treasurer shall report annually or more often, as required by the trust fund administrators, to such administrators on the financial activities of the respective trust funds.

This bill was requested by the state treasurer.

HB 678-FN, relative to railroads. Re-Refer to Committee.

After careful deliberation, both the Subcommittee, Committee of a whole, and the sponsor have agreed that further work is needed on HB 678. The vote of the Committee was unanimous that this bill be re-referred back to Committee for additional study. Vote 16-0. Rep. Catherine A. Schneider for Executive Departments and Administration.

HB 684-FN, relative to benefits for part-time state employees.

Re-Refer to Committee.

HB 684 and "fine wines" are very similar. Both take time to produce. HB 684 has the potential of being a truly "vintage" piece of fine legislation, but its time has not arrived. To provide this valuable group of part-time state employees with health insurance coverages requires more study. For this reason, your Executive Departments and Administration Committee, after extensive deliberation, has unanimously recommended that it be re-referred to Committee. Vote 15-0. Rep. Theodore J. Cusson, Sr., for Executive Departments and Administration.

HB 725-FN, relative to the attorney general. Ought to Pass with Amendment.

The Department of Justice is requesting several administrative changes. All appear reasonable except one. The amendment deletes a section that would shift the burden of reporting consumer protection

actions or claims from the desk of the Superior Court to the person bringing the action or claim. Vote 15-0. Rep. Paul R. Fillion for Executive Departments and Administration.

#### Amendment

Amend the bill by deleting section 7 and renumbering sections 8-13 to read as 7, 8, 9, 10, 11, and 12, respectively.

HB 417, prohibiting discrimination against podiatrists. Re-Refer to Committee.

The Committee feels that the question of the health maintenance organizations and hospitals with podiatrists licensed under RSA 315 needs some further study before the legislature takes any action on this matter. Vote 18-0. Rep. Guy R. Granger, Jr. for Health and Human Services.

HB 419-FN, relative to smoking in public places and in the workplace. Inexpedient to Legislate.

There currently is a law concerning smoking in public buildings which goes into effect July 1, 1987. The Committee felt that this law should be monitored before confusing the public with another piece of legislation relative to "smoking in the workplace." Even the New Hampshire Lung Association is against this bill. Vote 17-1. Rep. Lawrence A. Chase, Jr. for Health and Human Services.

HB 441, relative to cremation. Inexpedient to Legislate.

Apparently this bill was introduced due to the loss of cremated remains in the mail. Testimony was overwhelmingly against, and the Committee was unanimous in its decision of Inexpedient to Legislate and felt that the problem of the delivery of cremated remains should be handled by administrative rules. Vote 19-0. Rep. Lawrence A. Chase for Health and Human Services.

HB 498, relative to butter substitutes. Inexpedient to Legislate.

The Committee felt that this bill is an unwarranted intrusion in the restaurant business. Some margarine has more cholesterol than butter. Also, many restaurants provide margarine as well as butter for their customers. Vote 19-0. Rep. Robert M. Gilbreth for Health and Human Services.

HB 508, authorizing transfers within a program appropriation unit of the department of health and human services. Ought to Pass.

This bill continues the authority that the Department of Health and Human Services has had for six years to make budgetary transfers within the PAU of the Division of Mental Health and Developmental Services subject to approval of the Legislative Fiscal Committee and Governor and Council. This authority permits the reallocation of funds from institutions to community programs as clients return to their own communities. Testimony showed the value of having this authority in the past and that the budget of the Division of Mental Health and Developmental Services would have to be revised substantially if the bill were not passed. Vote 19-0. Rep. Guy R. Granger for Health and Human Services.

Referred to Appropriations.

HB 514, relative to liability limitations for directors and officers of charitable organizations and societies. Inexpedient to Legislate.

The bill is improperly drafted. The subject has already been covered by current RSA 508:16. Vote 11-0. Rep. Thomas U. Gage for Judiciary.

HB 634-FN, relative to deeds and the conveyance of property.  
Inexpedient to Legislate.

The Committee felt that passage of the bill would result in unnecessary disruption in conveyancing. If a person wishes to perpetrate real estate tax fraud, he can do so just as easily by misstating consideration of the face of a deed as he could orally to the register. Vote 9-2. Rep. Thomas U. Gage for Judiciary.

HB 442, extending certain temporary rulemaking authority of the commissioner of labor. Ought to Pass with Amendment.

This bill simply allows the existing temporary rulemaking authority to become permanent, subject to the normal review under the Sunset process. Vote 15-2. Rep. Patti Blanchette for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend RSA 277:16, 1, as inserted by section 1 of the bill by replacing it with the following:

1. The commissioner of labor shall adopt such rules, under RSA 541-A, as he deems reasonable and necessary in order to carry out properly the provision of RSA 277:10 and 277:11. [This rulemaking authority shall expire on July 1, 1987, at which time this paragraph, unless replaced by a later legislative enactment, shall be deemed repealed.]

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill, as amended, extends indefinitely the rulemaking authority of the commissioner of labor for the implementation of RSA 277:10 and 11. Under current law, this authority would expire on July 1, 1987.

HB 672-FN, relative to workers' compensation permanent impairment awards. Re-Refer to Committee.

The Committee feels that more information is needed on the number of people affected by this bill and the sponsor was in agreement with the request for additional time to study this issue. Vote 15-0. Rep. Patti Blanchette for Labor, Industrial and Rehabilitative Services.

HB 673-FN, relative to workers' compensation death benefits.  
Inexpedient to Legislate.

This bill was withdrawn and voted as Inexpedient at the request of the sponsor since those people who had requested the introduction of this legislation did not appear at the hearing to support it. Vote 15-0. Rep. Patti Blanchette for Labor Industrial and Rehabilitative Services.

HB 103-FN, relative to sunset review of office of legislative services administrative procedures division. Ought to Pass with Amendment.

The amendment transfers the Administrative Procedures Division from the Office of Legislative Services to the Joint Legislative Committee on Administrative Rules. Similar to the way the Sunset staff is responsible to the Sunset Committee and the Legislative Budget Assistant is responsible to the Fiscal Committee. This will result in

more direct communication with the responsible Committee and removing the Office of Legislative Services from the process, an unnecessary step. The amendment also makes changes to the Administrative Procedures Act which are necessitated by this transfer.

The Administrative Procedures Act is further amended to: (1) provide a more complete fiscal note on rules changes, (2) increase the notice of public hearing from 20 to 45 days, (3) require a weekly publication of the Rulemaking Register, (4) increase the time limit to 120 days from the publication of a rules change until its establishment, (5) increase to 45 days the time allowed for Committee approval of a rules change, (6) allow interim rules under special circumstances, and (7) prohibit fees or inspections of private property not specifically allowed by law. This will result in a more responsive, more public rules process. Vote 16-0. Rep. Vincent J. Palumbo, Jr. for Legislative Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

transferring the administrative procedures division of the office of legislative services to the jurisdiction of the joint legislative committee on administrative rules and making an appropriation therefor and amending the administrative procedure act.

Amend the bill by replacing all after the enacting clause with the following:

1 PAU Created; Sunset; Office of Legislative Services - Administrative Procedures Division Terminated.

I. There is hereby created a PAU for the legislative committee on administrative rules which shall expire July 1, 1993, unless renewed by the general court under RSA 17-G.

11. Office of legislative services - administrative procedures division, PAU 01020202 (formerly PAU 01020401) is hereby terminated.

2 Effect of Later Enactments. Passage of this act providing for the creation of a PAU for the legislative committee on administrative rules shall not limit any subsequent legislative action affecting this committee. The general court shall retain its full power to make amendments to or to terminate the committee, pursuant to RSA 17-G:9.

3 New Paragraphs; Definitions, Committee, Committee Staff. Amend RSA 541-A:1 by inserting after paragraph II the following new paragraphs:

II-a. "Committee" means the legislative committee on administrative rules established under RSA 541-A:11, I.

II-b. "Committee staff" means the staff appointed under RSA 541-A:11, V.

4 Filing of Suspension Orders. Amend RSA 541-A:1-a, 11 to read as follows:

11. The original copy of any suspension order or order recognizing the termination of a suspension issued by the governor shall be dated, certified, and filed [in the division of administrative procedures] with the committee staff.

5 Filing of Declaratory Rulings. Amend RSA 541-A:2, 11(b) to read as follows:

(b) file with the [director of legislative services] committee staff all declaratory rulings issued;

6 Interim Rules. Amend the introductory paragraph of RSA 541-A:3 to read as follows:

Except for interim or emergency rules, an agency shall adopt a rule by:

7 Fiscal Impact Statement. RSA 541-A:3-a, I is repealed and reenacted to read as follows:

I. (a) The agency shall provide the legislative budget assistant with adequate details of the intended action and supporting data to enable him to prepare a fiscal impact statement.

(b) The legislative budget assistant shall develop a form which shall specify the details and supporting data necessary for him to assess the fiscal impact of the proposed rule.

(c) The legislative budget assistant shall establish a schedule of deadlines for submission of the fiscal impact form, and the agency shall file the completed form with both the legislative budget assistant and the committee staff in accordance with such deadlines.

(d) The fiscal impact statement issued by the legislative budget assistant shall not be limited to dollar amounts, but shall include a discussion of the methodology used by him and the agency to reach any stated amounts. In addition, the fiscal impact statement shall consist of:

(1) A narrative stating the costs and benefits to the citizens of the state and to the political subdivisions of the intended action.

(2) A conclusion as to the cost or benefit to the state general fund or any state special fund of taking the intended action.

(3) An explanation of, and citation to, the federal mandate for the proposed rule, if there is such a mandate, and how that mandate affects state funds.

(4) A comparison of the cost of the proposed rule with the cost of the existing rule, if there is an existing rule.

(5) An analysis of the general impact of the proposed rule upon any independently owned business, including a description of the specific reporting and recordkeeping requirements upon small businesses which employ fewer than 10 employees.

8 Rule; Forms. Amend RSA 541-A:3-a, 111 to read as follows:

III. The agency shall give at least 20 days' notice of its [intention to file a final proposal to adopt, amend or repeal] intent to hold an oral hearing or to establish a cut-off date for the submission of written testimony on any proposed adoption, amendment or repeal of a rule. The required 20-day notice period shall begin on the date of publication in the rulemaking register. The notice shall be in such form as the [director of legislative services] committee shall prescribe and shall include:

- (a) the name and address of the agency;
- (b) the statutory authority for the rule;
- (c) whether the intended action is an adoption, amendment, or repeal;
- (d) the rule number and title;
- (e) the date of intention [to file a final proposal] to hold a hearing or the cut-off date for the submission of written materials to the agency;
- (f) a concise summary explaining the effect of the rule;
- (g) A listing of people, enterprises, and government agencies affected by the rule;
- (h) a summary of the effect upon the state if the rule were not adopted;
- (i) the name, address and telephone number of an individual in the agency able to answer questions on the proposed rule;
- (j) the deadline for the submission of written materials to the agency;
- (k) the time when, the place where, and the manner in which interested persons may present their views on the proposed rule; and



[(1)](j) the fiscal impact statement completed by the legislative budget assistant.

9 Notice to Staff. Amend RSA 541-A:3-a, IV to read as follows:

IV. The agency shall send notice to the [director of legislative services] committee staff, to the president of the senate and the speaker of the house of representatives, to the chairman of the fiscal committee, to the chairmen of the legislative committee having jurisdiction over the subject matter, and to all persons who have made timely request of the agency for advance notice of its rulemaking proceedings.

10 Rulemaking Register; Weekly. Amend the introductory paragraph of 541-A:3-a, V to read as follows:

V. The [director of legislative services] committee staff shall publish [at least monthly] weekly a rulemaking register which shall contain:

11 Register Available. RSA 541-A:3-a, VI is repealed and reenacted to read as follows:

VI. The register shall be made available upon request to agencies and officials of this state free of charge and to other persons at prices fixed by the committee staff to cover mailing and publication costs.

12 Filing with Staff. Amend RSA 541-A:3-a, VII and VIII to read as follows:

VII. At the same time the notice required by RSA 541-A:3-a, III is filed, the agency shall file the text of the proposed rule with the [director of legislative services] committee staff. The text as filed shall not be changed prior to any hearing required by RSA 541-A:3-c.

VIII. The agency shall conform to a uniform system of numbering and drafting. The [director of legislative services] committee shall have the authority to develop a uniform system of drafting and numbering for agency rules, and committee staff may require any agency to rewrite any rule submitted for filing to conform to this uniform system before that rule may be [filed under RSA 541-A:3-a, VII] adopted and filed under RSA 541-A:3-f.

13 Hearing; Rulemaking. Amend the introductory paragraph of RSA 541-A:3-c, I to read as follows:

I. Each agency shall afford all interested persons reasonable opportunity to submit data, views or arguments in writing in accordance with the terms of the notice. Opportunity for oral hearing shall be granted if the agency's rulemaking authority requires an oral hearing, or if requested in writing within 14 days after publication in the rulemaking register by [:] any group or entity listed in subparagraphs (a) through (d), in which case the agency shall give 20 days' notice of the requested hearing in the rulemaking register. The following groups or entities may request an oral hearing:

14 Final Proposal. Amend RSA 541-A:3-d, 1 to read as follows:

I. After considering public comment as required in RSA 541-A:3-c, an agency shall establish the text of the final proposal [on the date established under RSA 541-A:3-a, III(e)], and file the final proposal with the director of legislative services no later than 7 days beyond that date. Failure to file within 7 days shall invalidate the rulemaking notice, and the agency shall be required to begin the rulemaking proceeding over again if it still intends to adopt the proposed rule] no later than 120 days from publication of the notice in the rulemaking register. The agency shall file the final proposal with the committee staff who shall place it on the agenda for the next regularly-scheduled committee meeting. If, however, the final proposal is filed within the 14 days before a regularly-scheduled committee meeting, the committee staff shall place the final proposal on the agenda for the next regularly-scheduled meeting.

15 Legislative Committee Review. Amend RSA 541-A:3-e, I and II to read as follows:

1. Within [30] 45 days of the filing of a final proposal with the [director of legislative services] committee staff, the [legislative] committee [on administrative rules] may approve the rule or object under paragraph V. Objections to a rule may be made only once.

11.(a) If the committee approves the rule, [it] committee staff shall notify the agency in writing of [its] committee approval.

(b) Failure to give notice of either approval or objection at the end of the [30] 45 day period shall be deemed approval.

16 Review Procedures. Amend RSA 541-A:3-e, V(b) to read as follows:

(b) If the committee makes a preliminary objection to the rule, the agency may cure the defect and adopt the rule or it may adopt the rule without change. In either case, the agency shall[, within 14 days of receiving notice of the preliminary objection, respond to the committee] respond to a committee objection only once, and shall report its response in writing to the committee at its next regularly scheduled monthly meeting. Failure to respond to the committee in accordance with this subparagraph shall mean the rulemaking procedure for that proposed rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule. After receipt of [this] the agency response, the committee may withdraw or modify its objections under paragraph IV.

17 Final Objection. Amend RSA 541-A:3-e, V(c) to read as follows:

(c) If the agency responds that it intends to adopt the rule over the committee's preliminary objection, the committee may, by majority vote of the entire committee, [file a final objection. The final objection shall be filed in certified form with the director of legislative services, who shall] make a final objection and publish the objection in the next issue of the rulemaking register.

18 Publication in Register. Amend RSA 541-A:3-e, VI to read as follows:

VI. After a committee objection is [filed with the director] published in the register under paragraph V(c), to the extent that the objection covers a rule or portion of a rule, the burden of proof thereafter shall be on the agency in any action for judicial review or for enforcement of the rule to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the legislature, and is in the public interest. If the agency fails to meet its burden of proof, the court shall declare the whole or portion of the rule objected to invalid. The failure of the committee to object to a rule shall not be an implied legislative authorization of its substantive or procedural lawfulness.

19 Final Adoption. Amend RSA 541-A:3-f, 1(a) to read as follows:

(a) The passage of [30] 45 days from filing of a final proposal under RSA 541-A:3-d without receiving notice of objection from the [legislative] committee [on administrative rules]; or

20 Final Proposed Rule; Changes. Amend RSA 541-A:3-f, II to read as follows:

11. The text of the adopted rule shall be the same as the text of the final proposed rule submitted under RSA 541-A:3-d, except that any [germane] specific change may be made by the agency in direct response [to an objection or expressed concern of the legislative committee on administrative rules] to the committee's written objection. The committee staff may refuse to accept for filing any final rule which contains changes, other than minor editorial changes, specifically authorized in the committee's written objection.

21 Filing of Adopted Rules. Amend RSA 541-A:3-f, III to read as follows:

111. The agency shall file all adopted rules with the [director of legislative services] committee staff. Such rules shall become

effective upon filing[.], or at a later date, provided the agency so specifies in a letter to the committee staff. The committee staff shall maintain a file of all currently effective rules which shall be open to the public.

22 Emergency Rules. Amend RSA 541-A:3-g, I to read as follows:

I. If an agency finds that an imminent peril to the public health or safety requires adoption of a rule with [fewer than 20 days' notice] less notice than is required under RSA 541-A:3-a and states in writing its reasons for that finding, it may proceed to adopt an emergency rule. The rule may be adopted without having been filed in proposed or final proposed form and may be adopted after whatever notice and hearing the agency finds to be practicable under the circumstances. The agency shall make reasonable efforts to ensure that emergency rules are made known to persons who may be affected by them.

23 New Section; Interim Rules. Amend RSA 541-A by inserting after section 3-1 the following new section:

541-A:3-j Interim Rules.

1. An agency may adopt as an interim rule any rule which is designed solely to bring the language of an existing rule into conformity with:

(a) A statute which has been enacted or amended since the adoption of the existing rule in order to make the existing rule consistent with the wording of the statute;

(b) A controlling judicial decision; or

(c) A federal requirement which must be met sooner than the time periods of RSA 541-A allow.

II. An agency may also adopt as an interim rule any rule necessary to implement a newly-enacted statute when the agency's newly delegated rulemaking authority under that statute does not take effect in time for the agency to meet the notice requirements of RSA 541-A.

III. An agency may adopt an interim rule without meeting the requirements of RSA 541-A:3-a through RSA 541-A:3-d, provided the agency:

(a) gives notice of its intent in a newspaper of daily statewide circulation at least 7 days in advance of filing the rule with the committee for review under RSA 541-A:3-e; and

(b) files the notice with the committee and the legislative budget assistant.

IV. An interim rule shall be filed as a final proposal for committee review under RSA 541-A:3-e, and shall be reviewed by the committee as if it were a final proposal. In addition to the criteria listed in RSA 541-A:3-e, IV, the committee may object to an interim rule on the basis it does not meet the requirements of paragraph I or II, provided that an agency shall not adopt an interim rule over the committee's objection, and provided further that such objection shall not preclude allowing the agency to adopt the substance of an interim rule by meeting the requirements of RSA 541-A:3.

V. An interim rule shall become effective upon filing with the committee staff; however, no interim rule shall be accepted for filing unless it has been approved by the committee. Interim rules shall be effective for a period not to exceed 90 days. During the time an interim rule is in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it shall not adopt the interim rule again as an interim rule when the interim rule expires.

VI. Interim rules filed as final proposals under this section shall include a cover sheet stating:

(a) The name and address of the agency.

(b) The statutory authority for the rule.

(c) Whether the intended action is an adoption, amendment, or repeal.

(d) The rule number and title.

(e) A signed and dated statement by the adopting authority explaining why an interim rule is necessary, including documentary evidence to prove the agency is acting in accordance with the terms of this section and is not adopting an interim rule solely to avoid the time periods imposed by RSA 541-A.

(f) A listing of people, enterprises, and government agencies affected by the rule.

(g) The name, address, and telephone number of an individual in the agency able to answer questions on the rule.

24 Publication of Rules. Amend RSA 541-A:5, I and II to read as follows:

541-A:5 Publication of Rules.

1. The [director of legislative services shall] committee may compile, index, and publish, or require the agency adopting the rule to publish, in uniform loose-leaf form as determined by [him] all effective rules adopted by each agency. Compilations shall be supplemented or revised as often as necessary, and the [director of legislative services] committee may publish the supplemented or revised compilation as often as necessary. The [director] committee shall not require the compilation, indexing, or publishing of fiscal impact statements.

11. The [director of legislative services] committee may omit from the compilation any rule the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if the rule in printed or processed form is made available on application to the adopting agency, and if the compilation contains a notice stating the general subject matter of the omitted rule and stating how a copy thereof may be obtained.

25 Rulemaking Register; Special Issue. Amend RSA 541-A:11, III to read as follows:

III. The [legislative] committee [on administrative rules] may hold public hearings on a proposed or previously adopted rule on its own initiative. The committee shall give public notice of any hearing at least 7 days in advance [through a special issue of] in the rulemaking register [which shall be published solely for that purpose]. Any public hearing shall be scheduled at a time and place chosen to afford opportunity for affected persons to present their views. As appropriate, the [legislative] committee [on administrative rules] may consult with the standing legislative committee having jurisdiction in the area of the rule under review.

26 New Paragraph; Authority to Appoint Staff. Amend RSA 541-A:11 by inserting after paragraph IV the following new paragraph:

V. The committee may appoint its own staff as necessary, including an executive director and committee counsel.

27 Limitations on Authority. Amend RSA 541-A:12, III, to read as follows:

111. An agency shall not by rule:

(a) Provide for penalties, fines or imprisonment[;].

(b) Require licenses, [unless specifically authorized by other law; or] as defined in RSA 541-A:1, VII, unless authorized by a law which uses one of the specific terms listed in RSA 541-A:1, VI[;].

(c) [grant routine waivers of, or variances from, any provisions of its rules without either amending the rules, or providing by rule for a waiver or variance procedure. The duration of the waiver or variance may be temporary if the rule so provides.] Require fees unless specifically authorized by a statute enforced or administered by an agency. Specific authorization shall not include the designation of agency fee income in the operating budget when no other statutory authorization exists.

(d) Provide for non-consensual inspections of private property, unless the statute enforced or administered by the agency specifically grants inspection authority.

(e) Delegate its rulemaking authority to anyone other than the agency named in the statute delegating authority.

(f) Adopt rules under another agency's authority.

(g) Expand or limit a statutory definition affecting the scope of who may practice a profession.

28 New Paragraph; Waivers. Amend RSA 541-A:12 by inserting after paragraph III the following new paragraph:

IV. No agency shall grant routine waivers of, or variances from, any provisions of its rules without either amending the rules, or providing by rule for a waiver or variance procedure. The duration of the waiver or variance may be temporary if the rule so provides.

29 Repeal. The following are repealed:

I. RSA 541-A:2, II(c), relative to the filing of an organizational chart, is repealed.

II. RSA 541-A:5, III, relative to the availability of the register.

30 Reference Change. Amend RSA 21-1:14, I to read as follows:

I. A comprehensive and uniform system of state financial management as required by RSA 21-1:8, I(a). Rules relating to accounting and financial reporting shall conform with generally accepted accounting principles. Rules adopted by the commissioner under this paragraph shall be contained in a written manual, to be updated and revised as he deems necessary, that clearly explains procedures applicable to all state agencies, officers and employees other than the legislative branch and the state judicial branch. Rules adopted pursuant to this section shall not filed in final form with the [director of legislative services] committee staff of the legislative committee on administrative rules until they shall be approved by the governor, with the consent of the council.

31 Transfer.

I. The administrative rules division of the office of legislative services and all of its functions under RSA 541-A are transferred to the jurisdiction of the joint legislative committee on administrative rules.

II. The personnel, equipment, and records of the division of administrative rules are transferred to the jurisdiction of the legislative committee on administrative rules, and the unexpended appropriations for such division for the fiscal year ending June 30, 1987, are transferred to a separate joint account and may be expended at the discretion of the joint legislative committee on administrative rules.

32 Fringe Benefits. Notwithstanding any other provision of law, the assistant director for administrative rules, the legislative attorney serving in the division of administrative rules, and the legislative administrative assistant 1 serving in such division, who are transferred from the office of legislative services by section 31 of this act, shall be eligible for all fringe benefits that are available to other legislative employees. There shall be no interruption of salary or benefits as the result of such transfer.

33 Budget for 1988-1989 Biennium.

1. Notwithstanding any other provision of law, the following amounts are appropriated to the joint legislative committee on administrative rules for the purposes of this act and shall be in lieu of any amounts appropriated in the 1987 operating budget to the office of legislative services, administrative procedures:

	<u>FY 88</u>	<u>FY 89</u>
10 Personal services -		
permanent	96,971	102,103
20 Current expenses	10,000	10,000
30 Equipment	10,000	2,000



50 Other personal services	10,000	10,000
60 Benefits	20,364	22,463
80 Out-of-state travel	5,000	5,000
Total	152,335	151,566

11. The governor is authorized to draw his warrant for the sums appropriated in paragraph I out of any money in the treasury not otherwise appropriated.

34 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

The bill, as amended, terminates the administrative procedures division of the office of legislative services and creates a PAU for the legislative committee on administrative rules which shall expire July 1, 1993.

The division and its personnel, equipment, and records are transferred to the jurisdiction of the legislative committee on administrative rules, and its unexpended appropriations for fiscal year 1987 are transferred to a separate joint account to be expended at the discretion of such committee.

The bill provides for appropriations of \$152,335 for fiscal year 1988 and \$151,566 for fiscal year 1989 to the legislative committee on administrative rules in lieu of any amounts appropriated in the 1987 operating budget to the office of legislative services, administrative procedures.

The bill also amends RSA 541-A, the Administrative Procedure Act, to do the following:

(1) Clarify what is required in, and permits the legislative budget assistant to develop a form for, fiscal impact statements.

(2) Lower the requirement of analyzing the impact of fiscal impact statements on recordkeeping for small businesses to apply to businesses with fewer than 10, rather than 150, employees.

(3) Increase the 20-day notice of intent to hold a hearing or set a cut-off date for written testimony to 45 days.

(4) Require weekly publication of the rulemaking register.

(5) Set a time of 120 days from publication in the rulemaking register to the agency's establishment of the text.

(6) Change the 30-day time for committee approval to 45 days, and specifies that an agency may respond to a committee objection only once. Failure to respond invalidates the rulemaking process for the rule in question.

(7) Establish that any changes to the text of a final proposed rule may only be made in direct response to the committee's written objection.

(8) Add a new section permitting interim rules under special circumstances, and specifies what information must be submitted with an interim rule.

(9) Prohibit requiring fees or allowing most inspections of private property unless specifically authorized by other law.

(10) Repeal an obsolete section on the filing of organizational charts.

Referred to Appropriations.

HB 274 FN, requiring impact statements for zoning amendment proposals. Inexpedient to Legislate.

The intent is good, but provisions of the bill are deficient. Vote 12-0. Rep. George M. West for Municipal and County Government.

HB 416, concerning the presumption of procedural compliance in the enactment of municipal legislation. Ought to Pass with Amendment.

This bill will discourage frivolous lawsuits against the municipality. Vote 12-0. George M. West for Municipal and County Government.

#### Amendment

Amend RSA 31:127, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Facts demonstrating some likelihood that such defect affected the outcome of the enactment procedure.

Amend RSA 31:130 as inserted by section 1 of the bill by replacing it with the following:

#### 31:130 Application.

1. This subdivision shall not be construed to affect any claim of invalidity which is founded upon the substance of the municipal legislation, or upon the lack of authority of the municipality or its officials, under the constitutions and the laws, to enact such legislation.

II. This subdivision shall not apply to any claim against a municipal official for failure to perform a statutory duty, or for violation of the oath of office.

III. This subdivision shall not apply to the computation of rate percentage of taxation pursuant to RSA 41:15 and RSA 21-J.

#### AMENDED ANALYSIS

This bill, as amended, provides that all municipal legislation shall be entitled to a presumption of procedural compliance in its enactment and shall not be held invalid because of minor deviations from statutory enactment procedures if there has been substantial compliance with such procedures. To overcome this presumption, the person challenging the validity of the municipal enactment must allege and prove both the specific facts claimed to constitute the defect in the enactment and some likelihood that such defect affected the outcome of the enactment procedure.

No claim challenging the validity of any municipal enactment shall be asserted after 5 years following the date of such enactment. A certified copy of municipal legislation shall constitute prima facie evidence that the legislation was enacted on or prior to the date of certification if certain conditions are met.

This bill, as amended, shall not apply to any claim against a municipal official for failure to perform a statutory duty, or for violation of the oath of office or to the computation of rate percentage of taxation pursuant to RSA 41:15 and RSA 21-J.

HB 433, relative to the termination of county employees. Ought to Pass.

The bill provides that unless a collective bargaining agreement specifically provides otherwise, a county's rules shall obtain in the event of a discharge of an employee. All testimony was in favor of this bill. Vote 12-0. Rep. Catherine V. Brungot for Municipal and County Government.

HB 443, relative to the composition of a master plan. Inexpedient to Legislate.

It was the general feeling of this Committee that this bill places an unnecessary financial burden on small cities and towns. Vote 12-0. Rep. Barbara J. Baldizar for Municipal and County Government.

HB 480, recodifying the county corrections laws. Ought to Pass with Amendment.

This bill is basically a recodification of county correction laws. Vote 12-0. Rep. Eugene W. Clark for Municipal and County Government.

#### Amendment

Amend the unnumbered paragraph following paragraph VIII of RSA 169-B:24 as inserted by section 17 of the bill by replacing it with the following:

The minor is entitled to the assistance of counsel, who shall have access to said court records, probation reports or other agency reports. If the court orders transfer to superior court, it shall provide a written statement of findings and reasons for such transfer to the minor. Cases so certified and accepted by the superior court may be disposed of by the superior court according to the laws of this state relating thereto without any limitations as to sentence or orders required by this chapter. All original papers in transferred cases shall remain in the court from which transferred and certified copies of the same shall be filed with and shall constitute the records of the court to which transfer is made. Pending disposition by the superior court, a juvenile whose case is thus transferred and accepted by the superior court may be placed under [the] supervision [of the probation officer] or required to recognize with sufficient sureties, or in default thereof, be detained at a county [jail, house of correction] correctional facility [or state prison] to await disposition of the case in said superior court; provided, however, once a minor is certified for trial as an adult and his case is transferred to the superior court, detention at the youth development center is prohibited.

Amend RSA 623:2 as inserted by section 27 of the bill by replacing it with the following:

623:2 Transfer from State Prison. Any person confined in the state prison may, upon recommendation of the commissioner of corrections, [and with the approval of the governor or a justice of the superior court,] be transferred to a county [jail or house of correction] correctional facility if such transfer is approved by the county commissioners of the county in which the receiving facility is located.

Amend RSA 623:3 as inserted by section 28 of the bill by replacing it with the following:

623:3 Transfer to State Prison. Any person who is confined awaiting trial on a felony charge may be transferred to the state prison from the county [jail or house of correction] correctional facility, upon the recommendation of the [sheriff] superintendent of the county department of corrections, and with the approval of the county commissioners of said county.

Amend RSA 651:17, 11 as inserted by section 31 of the bill by replacing all after subparagraph (h) with the following:

- (i) Confinement to a person's place of residence.
- (j) Special alternative incarceration.

## AMENDED ANALYSIS

This bill establishes a county department of corrections in each county under the authority of the county commissioners. The county commissioners of each county shall appoint a superintendent of the county department of corrections who shall manage the county correctional facilities. RSA 619, relative to common jails and their inmates and RSA 620, relative to houses of correction are repealed. The provisions of these repealed chapters are incorporated into the new chapter on county departments of correction.

This bill replaces references in the law to "jails" and "houses of corrections" with "county correctional facilities". It also removes references to jailers and superintendents of houses of corrections.

This bill, as amended, makes certain minor language changes in the bill to (1) prevent non-certified juveniles from being detained at the state prison; and (2) to comply with language used in other statutory sections.

HB 482, relative to the charter of Wentworth-Douglass Hospital. Ought to Pass.

This bill will help continue and expand the fine services and continue the great reputation of the Wentworth-Douglass Hospital. Vote 12-0. Rep. John S. Barnes, Jr. for Municipal and County Government.

HB 490-FN, creating a committee to study taxes paid by tenants who own manufactured housing in manufactured housing parks. Inexpedient to Legislate.

The Committee is of the opinion this proposal is very poor and could result in a special class of assessment. The Committee is aware residents of manufactured home parks have unique problems, however, it cannot legislate each local situation. Vote 12-0. Rep. George M. West for Municipal and County Government.

HB 502, delegating site plan review powers to special site review committees. Re-Refer to Committee.

The merits of this bill suggest further consideration. The Committee agreed unanimously that by re-referring it should allow the needed time for additional research and study. Vote 12-0. Rep. Lillian E. Soucy for Municipal and County Government.

HB 506, relative to nepotism by public employers. Inexpedient to Legislate.

The problems covered by HB 506 are already covered by RSA 31:39-a. The municipalities can already take care of the problem envisioned by HB 506 at the town meeting. Vote 12-0. Rep. David M. Perry for Municipal and County Government.

HB 535-FN, amending the property tax sale process. Inexpedient to Legislate.

The subject matter of HB 535 is better covered by HB 554. Vote 12-0. Rep. David M. Perry for Municipal and County Government.

HB 596-FN, increasing the assets owned to qualify for the adjusted elderly exemption. Inexpedient to Legislate.

The subject matter of this bill is adequately covered in HB 589. Vote 12-0. Rep. George M. West for Municipal and County Government.

HB 597-FN, relative to the residency requirement for the elderly, expanded elderly, and adjusted elderly property tax exemptions. Ought to Pass.

The Committee agrees with the intent of this bill. It allows any person who has qualified for the elderly, expanded elderly, or adjusted elderly exemption on residential real estate to leave New Hampshire temporarily for health, personal, or family reasons, and to still be eligible for the exemption when he reestablishes residence in New Hampshire. Vote 12-0. Rep. Barbara J. Baldizar for Municipal and County Government.

HB 635-FN, relative to property tax exemptions for the elderly.  
Inexpedient to Legislate.

The subject matter of this bill is addressed in HB 589. Vote 12-0.  
Rep. Eugene W. Clark for Municipal and County Government.

HB 486, requiring contractors excavating highways to be bonded.  
Inexpedient to Legislate.

The intent of the sponsor was to MANDATE rather than PERMIT the state or any other political subdivision to require a bond of utilities or contractors who excavate public roads. RSA 236:10 is the statute which should have been addressed to accomplish the sponsor's intention, not RSA 447:16. RSA 236:10 reads as follows: RSA 236:10 REGULATIONS: BOND. The person giving such written permission may make rules and regulations to govern the excavation and restoration of such highway and may require that a bond satisfactory to him be furnished to the state, city or town providing for the satisfactory restoration of the highway. The Committee believes that the statute should remain permissive. Any town or city can insist on a bond if it so desires. Vote 16-0. Rep. James A. Chandler for Public Works.

HB 314-FN-A, providing assistance to school districts for the purpose of replacing underground storage tanks and making an appropriation therefor. Inexpedient to Legislate.

The Committee is opposed to HB 314 because it has not been the position of the Department of Education to give financial assistance to local school districts for the repair or replacement of building support systems. These systems which include heating, ventilation, water supply, septic and oil tanks do need periodic maintenance and repair or replacement. This, the Committee feels, is a local responsibility and part of a district's operating cost. Therefore, the cost of proper maintenance is far less than the cost associated with cleanups of contamination. The State, through the Governor's Energy Office, will be using oil overcharge funds, returned to the State for an interest buy down program to aid schools on financing the replacement of their tanks. Vote 17-0. Rep. Wayne Spear, Jr. for Resources, Recreation and Development.

HB 395, relative to horsepower of motors used on Glen Lake in the town of Goffstown. Re-Refer to Committee.

Although Glen Lake is an intensely used, small body of water with safety problems, the Committee believes that many lakefront residents, many of whom own power boats, were not aware of this bill, only one lake resident appeared at the hearing. The Committee would like to review this bill next session. In the interim, year-round and summer residents could be notified of the effect of this bill, and residents could notify Safety Services of problems on the lake. Vote 17-0.  
Rep. Steven R. Maviglio for Resources, Recreation and Development.

HB 408-FN, relative to establishing a uniform fine schedule for boating violations. Ought to Pass with Amendment.

The intent of this bill is to increase the efficiency of the Division of Safety Services. At the recommendation of the "Boat Study Committee" this bill establishes a uniform fine schedule and allows



guilty or nolo contendere pleas by mail for boating offenses which are not misdemeanors or felonies. Vote 16-0. Rep. Nancy C. Beaton for Resources, Recreation and Development.

#### Amendment

Amend RSA 270:11, III, as inserted by section 1 of the bill to read as follows:

III. In the enforcement of this chapter and the rules adopted under this section, the director and his duly authorized representatives shall have the powers of a peace officer in any county of the state.

HB 469, relative to a condominium conversion assistance plan. Inexpedient to Legislate.

After this bill was heard, the sponsor agreed that it was unnecessary and that problems with condominium conversions were being addressed in other legislation. The Committee intends to incorporate one section from HB 469 into another pending condominium conversion bill. Vote 11-0. Rep. Judy E. Reardon for State Institutions and Housing.

HB 479, relative to delaying condominium conversions following certain rental increases. Ought to Pass with Amendment.

This bill closes a loophole in the existing Condominium Conversion Law. This loophole has been used by some people to force out tenants prior to the times established by New Hampshire laws. The amendment merely changes the effective date of this bill. Vote 10-2. Rep. Judy E. Reardon for Health and Human Services.

#### Amendment

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

HB 489-FN, establishing an arbitration board for manufactured housing parks. Inexpedient to Legislate.

This bill was submitted to establish a 7-member arbitration board to hear disputes between tenants and owners of manufactured housing parks. This Committee felt that this board would be deluged with complaints. Presently, if there is a dispute, a small claims procedure can handle this complaint. In addition, the Attorney General's Office does process serious disputes of this nature. This bill has no fiscal impact. The Committee feels that this bill is not needed. Vote 12-0. Rep. Rowland Schmidtchen for State Institutions and Housing.

HB 383-FN, relative to road tolls. Ought to Pass.

This bill revises a statute where the gas tax started at nine cents per gallon. Small increases were added at later dates to obtain the present tax of fourteen cents a gallon. Sections of the statute providing for these increases are repealed and the fourteen cents per gallon is entered. Other minor changes to improve this system of collection will become law by the passage of this bill. Vote 12-0. Rep. Roger Stewart for Transportation.

HB 396-FN, authorizing special license plates for district court justices. Inexpedient to Legislate.

Testimony indicated that a significant number of district judges would not favor passage of this bill. Fear of vehicle vandalism due to ease of recognition of owner was among the reasons given. A statement is also on record from the court system opposing the bill. Vote 13-0. Rep. Roland M. Turgeon for Transportation.

HB 452, relative to a provisional drivers' licensing program for persons under 18. Re-Refer to Committee.

This bill suggests alteration in the process of licensing young drivers by providing a period during which a provisional license is in effect. This concept is in existence in some states and is being studied in others. The Committee feels that the plan deserves investigation and study, but more time is needed than is now available. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

HB 719-FN, relative to the fee for vanity license plates. Inexpedient to Legislate.

This bill proposes a reduction in the fee for vanity plates from \$25 to \$10 and calls for full funding of the Drivers' Education Program in secondary education schools. The Committee feels that this is not the time to reduce revenues and the Driver Training Project is being addressed in HB 216. Vote 15-0. Rep. Richard L. Haynes for Transportation.

HB 331-FN-A, increasing the interest and dividends tax exemption. Re-Refer to Committee.

This bill increases the exemption from the Interest and Dividends Tax from \$1200 to \$1800 per exemption at an estimated cost of approximately \$3 million in decreased revenues. The Committee agrees that it may be appropriate to review the amount of the exemption again, but that further study and considered deliberation are required. In addition, the subject matter of a companion measure, HB 588, will be incorporated into the study. Vote 16-0. Rep. Robert C. Hayes for Ways and Means.

HB 588-FN, relative to filing the interest and dividends tax return. Inexpedient to Legislate.

This bill expands upon and attempts to clarify last year's legislation exempting individuals from filing Interest and Dividends Tax returns, if they owe no tax. The Committee supports the intent of this bill, and intends to study it in conjunction with a companion bill, HB 331, which is recommended for re-referral to Committee. Vote 16-0. Rep. Robert C. Hayes for Ways and Means.

HB 646-FN, permitting the taxation of certain school lands and buildings. Inexpedient to Legislate.

This bill was not an appropriate vehicle to solve a local problem. This legislation would punish 99% of those private institutions that recognize their responsibility to the community in lieu of taxes. Vote 16-0. Rep. Beverly T. Rodeschin for Ways and Means.

#### COMMITTEE REPORTS (Regular Calendar)

HB 30-FN-A, relative to uniform allowance for newly commissioned second lieutenants and warrant officers in the New Hampshire national guard and making an appropriation therefor. Ought to Pass.

The New Hampshire National Guard represents and supports the citizens of New Hampshire and this bill provides a token amount towards the uniform costs for newly-commissioned second lieutenants and newly-appointed warrant officers. Appropriation \$5,000 for the biennium. Vote 13-3. Rep. Robert G. Holbrook for Appropriations.

Ordered to third reading.

HB 37, relative to the emergency management act. (A) Ought to Pass with Amendment.

The Committee agreed with the importance of this bill. The amendment changes an authorization to draw funds from "the treasury" to authorization to draw from "emergency funds." There are presently adequate emergency funds appropriated. Vote 16-1. Rep. Elizabeth Hager for Appropriations.

#### Amendment

Amend RSA 107-C:15 as inserted by section 1 of the bill by replacing it with the following:

107-C:15 Appropriation. For the purposes of this chapter, the governor is authorized to draw such sums of money as may be necessary from the emergency fund.

Amendment adopted.  
Ordered to third reading.

HB 366-FN-A, making a supplemental appropriation to the University of New Hampshire cooperative extension service. Ought to Pass with Amendment.

This bill appropriates \$110,000 to the New Hampshire Cooperative Extension Service for the fiscal year 1987 to replace a shortfall in federal funds. The amendment contains a supplemental appropriation of \$7,923 to the Board of Veterinary Medical Examiners for expenses incurred during 1987. Vote 14-4. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the title of the bill replacing it with the following:

#### AN ACT

making supplemental appropriations to the University of New Hampshire cooperative extension service, and to the board of veterinary medical examiners.

Amend the bill by replacing section 3 with the following:

3 Supplemental Appropriation. In addition to all other sums appropriated to the board of veterinary medicine, the sum of \$7,923 is hereby appropriated to the board of veterinary medicine for the fiscal year ending June 30, 1987, for the following purposes:

Class 20 Current expenses	\$ 1,000
Class 50 Other personal services	\$ 6,420
Class 60 Benefits	\$ <u>503</u>
Total	\$ 7,923

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill appropriates \$110,000 to the New Hampshire cooperative extension service for fiscal year 1987 to replace withdrawn federal funding, and to meet increased program costs.

As amended, this bill makes a supplemental appropriation of \$7,923 for the fiscal year ending June 30, 1987, to the board of veterinary medical examiners.

Amendment adopted.

Ordered to third reading.

HB 409, requiring a grace period on finance charges imposed on credit card purchases. Re-Refer to Committee.

As written, this bill does not explicitly define lenders or establish criteria for determination of the grace period. After consulting with the Attorney General's Office, the Committee recommends this bill be re-referred to Committee. Vote 11-2. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

Report adopted.

CACH 19, relating to disbursements from the state treasury. Providing that biennial budget expenditures shall not increase over the preceding biennial budget expenditures by more than an amount to be established by the state treasurer. Inexpedient to Legislate.

With the fluctuating economy, this resolution would not be workable in the State. It also gives too much power to the State Treasurer. Vote 11-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Report adopted.

HB 466-FN, prohibiting any town or school district from holding an election on the day state elections are held. Ought to Pass.

This bill would prohibit any town or school district from holding elections on the same day Federal and State elections are held. Since the issues are quite different in local elections from those in Federal and State elections it would make it possible for the local elections held on a different day to have its issues better discussed and understood. The problem of counting many different ballots would be solved by the passage of this bill. Since RSA 44:11 does not permit cities to hold its election the same day as Federal or State elections the passage of this bill would make the same provision for town elections. Vote 8-1. Rep. Roger Stewart for Constitutional and Statutory Revision.

Ordered to third reading.

HJR 3-FN, providing a legal state holiday on June 21, 1988, to celebrate the bicentennial of the United States Constitution. Inexpedient to Legislate.

The Committee feels that the ratification of the United States Constitution should be commemorated. New Hampshire's Bicentennial Commission can build interest and feeling on New Hampshire's position in the ratification process without creating a state legal holiday on June 21, 1988. Vote 7-3. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Report adopted.

HB 113-FN, relative to sunset review of civil air patrol. Ought to Pass with Amendment.

This bill as amended, sunsets the Civil Air Patrol, PAU 020605, in New Hampshire and establishes in its stead a Civil Air Patrol Grant

Program to be administered by the Director of Aeronautics. Vote 16-0. Rep. Ann M. Torr for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a civil air patrol grant program.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Function Added. Amend RSA 21-L:7 by inserting after paragraph V the following new paragraph:

VI. Administering the grant program of the civil air patrol of New Hampshire established under RSA 422:14-C.

2 New Section; Civil Air Patrol Grant Program. Amend RSA 422 by inserting after section 14-b the following new section:

422:14-c Civil Air Patrol Program; Funds.

I. The director of aeronautics shall administer a grant program for the civil air patrol in New Hampshire.

II. Grant funds shall be used for administrative support, operation expenses, and maintenance of equipment related to search and rescue and other emergency activities advantageous to the state. The director shall adopt rules, pursuant to RSA 541-A, relative to the procedures for the administration of grant funds.

3 Sunset; Civil Air Patrol. Civil air patrol, PAU 020605, is hereby terminated. Notwithstanding RSA 17-G:7, the classified positions currently assigned to PAU 020605 are hereby terminated.

4 Funds. Any funds appropriated to PAU 020605 for the fiscal years ending June 30, 1988, and June 30, 1989, are hereby transferred to the division of aeronautics, department of transportation, for use in the civil air patrol grant program established under section 2 of this act.

5 Effective Date.

I. Sections 3 and 4 of this act shall take effect on July 1, 1987.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill, as amended, sunsets the civil air patrol, PAU 020605, in New Hampshire and establishes in its stead a civil air patrol grant program to be administered by the director of aeronautics.

The bill stipulates that money appropriated to the civil air patrol through the budgeting process in fiscal years 1988 and 1989 shall be transferred to the division of aeronautics for use in the civil air patrol grant program.

Amendment adopted.

Ordered to third reading.

HB 623, relative to the practice of physical therapy. Ought to Pass with Amendment.

House Bill 623 updates the statute regulating physical therapists with recommendations developed by the physical therapist community in the State and the Board of Medicine. The Committee agrees with the recommendations embodied in this bill. Vote 14-1. Rep. Lawrence Richardson for Executive Departments and Administration.



## Amendment

Amend RSA 328-A:2 as inserted by section 1 of the bill by replacing it with the following:

328-A:2 Licensure Required. No individual shall practice nor indicate ability to practice or designate himself or allow himself to be designated as a physical therapist or a physical therapist assistant in this state unless he is licensed in accordance with the provisions of this chapter, except that this section shall not be construed to prohibit students who are enrolled in schools or courses in physical therapy or physical therapy assisting accredited by an agency recognized by the United States Department of Education and the Council on Post-Secondary Accreditation from performing work incidental to their respective courses of study, under the direct supervision of a licensed physical therapist. Any physical therapist or physical therapist assistant who is a graduate of a school accredited by an agency recognized by the United States Department of Education and the Council on Post-Secondary Accreditation but not licensed in this or any other state, may, with the approval of the board upon receipt of application for licensure, obtain a temporary certificate valid for 6 months from the board to practice physical therapy or physical therapist assisting in this state under the direction and supervision of a licensed physical therapist. Failure to pass the licensure examination shall invalidate a temporary certificate. No more than one temporary certificate shall be issued to any eligible person.

Amend RSA 328-A:4 and 5 as inserted by section 1 of the bill by replacing them with the following:

328-A:4 Endorsement. In lieu of examination the board may, in its discretion, license as a physical therapist or physical therapist assistant, without examination, for a fee, an applicant who has passed, to the board's satisfaction, a qualifying examination for physical therapist or physical therapist assistant provided by the Professional Examination Service and who meets the qualifications for licensure under this chapter.

328-A:5 Examination. The board shall hold examinations for applicants who meet the requirements of RSA 328-A:3, I or 328-A:12. The written examination shall be provided by the Professional Examination Service which shall be responsible for reporting examination results to the board. The physical therapy advisory committee shall be responsible for reviewing the examination results and making their recommendations to the board. Examinations shall be held within the state, at least 2 times a year, at such time and place as the board shall determine. An applicant shall pay to the board a fee in an amount sufficient to cover the costs of purchasing and administering the examination. An applicant who fails to satisfactorily pass an examination shall be entitled to 2 consecutive re-examinations.

Amend RSA 328-A:7 as inserted by section 1 of the bill by replacing it with the following:

328-A:7 Renewal of Licensure. Applications for renewal of licensure shall be filed on or before December 31 of each year accompanied by the renewal fee. All licenses issued under this chapter expire on December 31 each year unless previously suspended or revoked. All license renewals granted between January 1 and January 15, inclusive, shall be retroactive to January 1. An application for renewal of licensure after January 15 shall only be granted upon reapplication for licensure.

Amend RSA 328-A:11 as inserted by section 1 of the bill by replacing it with the following:

328-A:11 Prohibited Practices. A person licensed under this chapter as a physical therapist shall not treat human ailments by physical therapy or otherwise except under the referral or prescription and supervision of a person licensed to practice medicine, dentistry, or podiatry. A person licensed under this chapter as a physical therapist assistant shall not undertake to practice independent of direction and supervision of a licensed physical therapist. Nothing in this chapter shall be construed as authorizing a licensed physical therapist to practice medicine, osteopathy, chiropractic, or any other form or method of healing except physical therapy. The use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter.

Amend RSA 328-A:13 as inserted by section 1 of the bill by replacing it with the following:

328-A:13 Foreign Trained. A physical therapist trained in a foreign country may apply for licensure if he is a graduate of a school of physical therapy approved by the board, and has taken and passed the examinations for licensure given by the Professional Examination Services.

Amend RSA 328-A:16 and 17 as inserted by section 1 of the bill by replacing them with the following:

328-A:16 Penalties. Notwithstanding the provisions of Title LXII, any person who violates a provision of this chapter or any rule of the board adopted under this chapter shall be fined not more than \$100 or imprisoned for not more than 6 months, or both. Any person who shall knowingly make a false statement in his application for licensure under this chapter or in response to any inquiry by the board shall be fined not more than \$50.

328-A:17 Advisory Committee. There is established an advisory committee to the board. Said committee shall consist of 2 physical therapists and a physical therapist assistant licensed under the laws of this state and a physician, appointed by the board biennially on January 1 of each even-numbered year. The committee shall review all applications for licensure and make recommendations to the board relative to such applications. Members of the committee shall serve without compensation.

Amendment adopted.  
Ordered to third reading.

HB 295-FN, relative to the board of tax and land appeals. Ought to Pass with Amendment.

This is primarily a housekeeping bill. It provides needed changes in language and administrative procedure, without making many substantive changes. The amendment calls for a larger immediate salary increase, and also for a lower maximum salary, than does the bill. Salaries would be increased \$16,332 in FY 1988 over current costs, and would remain at the same level in FY 1989. Vote 15-0. Rep. Paul R. Fillion for Executive Departments and Administration.

#### Amendment

Amend RSA 72:23-d as inserted by section 3 of the bill by replacing it with the following:

72:23-d New Hampshire Congregational-Christian Conference. The real estate and personal property owned by the New Hampshire Congregational-Christian Conference, or a subsidiary corporation thereof,

occupied and used by the conference or the subsidiary corporation to provide community housing for elderly persons, if none of the income [of] or profits of the community housing is used for any purpose other than the purpose for which the housing is established[.], shall be exempt from taxation. For the purpose of this paragraph an elderly person is one who is 62 years or more of age. The age of the head of the family determines the eligibility of the family unit in the community housing. On or before December 1 of each year the owner of the community housing shall pay to the town or city in which the property is situated, in lieu of taxes, a sum representing 10 percent of the shelter rent received by the owner during the preceding calendar year. For cause shown, having in mind the nature and purpose of the corporation, the board of tax and land appeals may abate all or a portion of the payment in lieu of taxes in any year. The owner on or before June 1 of each year shall file with the [commissioner of revenue administration] board of tax and land appeals in such form as the [commissioner of revenue administration] board prescribes a statement of the financial condition of the community housing project for the preceding fiscal year, and shall file such other information as the [commissioner of revenue administration] board requires.

Amend RSA 76:16-a, If as inserted by section 7 of the bill by replacing it with the following:

11. Upon receipt of an application under the provisions of paragraph f, the board of tax and land appeals shall give notice in writing to the affected town or city of the receipt of the application by mailing such notice to the town or city clerk thereof by certified mail. Such town or city may request in writing a hearing on such application within 30 days after the mailing of such notice and not thereafter. If a hearing is requested by a town or city, the board of tax and land appeals shall, not less than 30 days prior to the date of hearing upon such application, give notice of the time and place of such hearing to the applicant and to the town or city in writing. Nothing contained in this paragraph shall be construed to limit the rights of taxpayers to a hearing before the board of tax and land appeals.

Amend the bill by replacing section 12 with the following:

12 New Salaries of Members. Amend RSA 94:1-a, I by inserting in Group M, Board of tax and land appeals, members.

Amend the bill by replacing section 13 with the following:

13 Application. The current members of the board of tax and land appeals shall be placed at the maximum step in group M upon the effective date of this act.

Amend the bill by replacing section 14 with the following:

14 Reference to Board. Amend RSA 71-B:6, II and III to read as follows:

11. No member of the [commission] board shall represent a party or testify as an expert witness or render any professional service for any party or interest before the board, and any member having an interest in the subject matter shall be disqualified to act therein.

111. If, in the event of a disqualification or temporary disability of a member or members of the board, it shall become necessary to do so, [the chairman of] the board, subject to the approval of the supreme court, shall appoint such number of temporary board members as shall be necessary to meet the requirements herein imposed. Such temporary board members shall serve with respect to such matter until the same has been fully disposed of before the board.

15 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill eliminates certain inconsistencies concerning notice requirements given by the board of tax and land appeals.

The bill also changes the body with whom certain filings must be made from the commissioner of revenue administration to the board of tax and land appeals. Appeals from decisions of the board of tax and land appeals to the supreme court are also made procedurally consistent.

As amended, the bill also moves all the members of the board from salary group I. to M.

Amendment adopted.

Referred to Appropriations.

HB 703-FN, relative to the board of auctioneers. Ought to Pass with Amendment.

The bill codifies and cleans up the statute concerning professional auctioneers. The Committee also felt that the present bond for auctioneers \$5,000 per year was too low and increased the bond to \$25,000. Vote 14-1. Rep. Scott E. Green for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing section 3 with the following:

3 Auctioneers; Increased Bond Requirement. Amend RSA 311-B:8 to read as follows:

311-B:8 Bond. No license shall be granted until the applicant has filed a bond with the secretary of state in the sum of [\$5,000] \$25,000, with sureties approved by the secretary of state, conditioned that he will properly account for and deliver to the person entitled, all moneys and things of value coming into his hands as an auctioneer and will conform to the laws relating to such auctions. All bonds required under this chapter shall be purchased from a reputable company authorized to do business in this state.

Amend the bill by replacing section 8 with the following:

8 Repeal. RSA 311-B:13, IfI, relative to exceptions to auctioneer license requirements, is repealed.

#### AMENDED ANALYSIS

This bill makes several substantive changes in the licensing of auctioneers. It gives the board of auctioneers authority to establish the form and content of license applications and recommendations for applicants. It increases the amount of the bond required for auctioneers from \$5,000 to \$25,000, and changes the expiration date of licenses. The bill also establishes the forms of disciplinary action the board may take and repeals the section grandfathering auctioneers practicing prior to September 1, 1969.

Amendment adopted.

Ordered to third reading.

Rep. Guay abstained from voting under Rule 16.

HB 607-FN, increasing the personal needs allowance for recipients of medical assistance residing in nursing homes. Ought to Pass.

This bill increases the monthly personal needs allowance of nursing home residents who receive medical assistance to \$40, an increase of \$10 per month. The Committee feels that this increase will help our nursing home residents to maintain a sense of independence and self-worth by enabling them to purchase modest personal supplies. Vote 17-2. Rep. Timothy Bates for Health and Human Services.

Referred to Appropriations.

HB 626-FN, relative to medication specialists. Ought to Pass. Current law has permitted for the last 6 years direct care personnel at the Laconia State School to administer medications as prescribed by a physician when the person has passed a training program approved by the Division of Public Health Services. This bill extends the authority to other institutions and programs in the State Mental Health and Developmental Service Systems. Testimony revealed a serious problem with obtaining nurses for State programs and showed the program at the State School to be very successful and not to have caused any problems. The Committee felt this measure necessary to assure adequate care of mentally disabled persons served by the State. Vote 17-2. Rep. Guy R. Granger, Jr. for Health and Human Services.

Ordered to third reading.

HB 662-FN, relative to reimbursement of the state for patients rendered services by the secure psychiatric unit. Ought to Pass.

This bill authorizes the Office of Reimbursements of the Division of Mental Health and Developmental Services to set rates for payments to be charged by the State for services rendered to patients by the secure psychiatric unit. Under current law, after such rates are set, the Office of Reimbursements may recover moneys due the State for such expenses from persons or estates chargeable. This bill only reinstates the policy of charging patients who are undergoing treatment for being not guilty by reason of insanity. They were charged when they were housed in the forensic unit at New Hampshire Hospital. This law must be passed to allow them to be charged, because they are now under the general administration of the prison where the secure psychiatric unit is now located. They are still psychiatric patients, and as before, they should be charged to pay for their care, as was the policy for many years. Vote 18-1. Rep. Guy R. Granger for Health and Human Services.

Ordered to third reading.

HB 726, relative to the qualifications of the director of human services. Ought to Pass with Amendment.

The intent of this bill changes the qualifications of the Director of Health and Human Services to require an advanced degree in public administration, business experience in administration or public welfare management, in addition to 5 years experience in public administration. The amendment converts the Director of SCOA to an administrator and a deputy director of Adult Services. Vote 18-1. Rep. Ann M. Derosier for Health and Human Services.

Amendment

Amend the title of the title of the bill by replacing it with the following:



## AN ACT

relative to the qualifications of the director of human services and establishing certain positions.

Amend the bill by replacing section 2 with the following:

2 Position Established. Amend RSA 126-A:6-a to read as follows:

126-A:6-a Acting Directors of Divisions; Appointments.

I. Except as provided in paragraph II each division director with the approval of the commissioner shall appoint one member of his staff who shall act in his stead when said director is absent from the state and at such other time as he is so directed by the director. If a vacancy occurs in the position of director of any of the divisions of the department, the commissioner shall appoint, with the approval of the governor and council, one member of the staff of the division to serve as acting director of the division. When acting for or as the director said person shall have all the power, duties and authority of the director.

II. The director of the division of elderly and adult services, with the approval of the commissioner, shall appoint a deputy director. The deputy director shall perform such duties as may be assigned to him by the director. The deputy director position shall be a full-time classified position.

3 Position Established. There is hereby established within the division of elderly and adult services, department of health and human services an administrator II position which shall be a full-time classified position.

4 Transfer. The person who is currently serving as the deputy director of the division of elderly and adult services shall continue to serve in that position as established in accordance with section 2 of this act.

5 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill changes the qualifications of the director of health and human services to require an advanced degree in public administration, business administration, or public welfare management, in addition to 5 years' experience in public administration.

The bill, as amended, establishes the position of deputy director of the division of elderly and adult services and the position of administrator II of such division.

Amendment adopted.

Ordered to third reading.

HB 611-FN, relative to administrative forfeiture of certain items used in connection with drug offense. Re-Refer to Committee.

The Committee voted by a margin of 9-3 to re-refer this bill because the problem with which it deals is too complicated to be considered fully in the time allowed by legislative deadlines. Rep. Francis E. Robinson for Judiciary.

Report adopted.

HB 464, relative to the prudential affairs of a town. Inexpedient to Legislate.

This bill seems to be a rent control bill. If it is, it should come back as a rent control bill. Vote 12-0. Rep. John S. Barnes, Jr. for Municipal and County Government.

Rep. Cushing moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Barnes spoke against the motion and yielded to questions.

Rep. Buckley spoke in favor of the motion.

Reps. Weddle and Jean spoke to the motion.

Rep. Ezra Mann spoke against the motion.

Rep. Cushing requested a roll call. Sufficiently seconded.

Rep. Leonard Smith abstained from voting under Rulee 16.

YEAS 63 NAYS 241

YEAS 63

BELKNAP: Bowler.

CARROLL: None.

CHESHIRE: Cole, Daschbach, Foster, LaMar, Matson and Ramsay.

COOS: Kilbride, Mayhew and Oleson.

GRAFTON: Arnesen, Chambers, Copenhaver, Densmore, Wayne King and LaMott.

HILLSBOROUGH: Baker, Buckley, Cote, Donovan, Dube, Gagnon, Genest, Scott Green, Healy, Chris Jacobson, Long, Nixon, O'Rourke, Pignatelli, Reardon, Reidy, Routhier, Sullivan, Tarpley, Winn and Zis.

MERRIMACK: Bardsley, Beaton, Cahill, James Chandler, Fillion, Burton Knight, Trombly and Tupper.

ROCKINGHAM: Blaisdell, Butler, Carpenito, Cressy, Cushing, Elizabeth Greene, Hynes, McGovern, Pantelakos, Pevear, Read, Rosencrantz, Sanderson, Splaine and Weddle.

STRAFFORD: Lachance and Lussier.

SULLIVAN: Ingram.

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BELKNAP: Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Jensen, Pearson, Randall, Lawrence Richardson, Turner and Wixson.

CARROLL: Allard, Gene Chandler, Dickinson, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Blacketor, Clark, Delano, Daniel Eaton, Irvin Gordon, Grodin, Miller, Morse, Parker, Perry, Pierce, Sawyer, Schwartz and David Young.

COOS: Brady, Brungot, Harold Burns, Coulombe, Frederic Foss, Guay, Horton, Lemire, Marsh, Nelson, Purrington and Theriault.

GRAFTON: Adams, Bean, Bennett, Blair, Christy, Dearborn, Driscoll, Hammond, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baldizar, Beaupre, Bourque, Boutwell, Bowers, A. Leslie Burns, Champagne, Cowenhoven, Cusson, Daigle, Gerard Desrochers, William Desrosiers, Paul Dionne, Domainque, Drolet, Dupont, Dwyer, Joseph M. Eaton, Nancy Ford, Frank, Ruth Gage, Gelinas, Granger, Guilbert, Marian Harrington, Humphrey, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Kurk, Leclerc, Lefebvre, Lown, Lozeau, Mason, Bonnie McCann, Messier, Morrisette, Robert Murphy, Packard, Pappas, Paquette, Perham, Ellen-Ann Robinson, Rodgers, Sallada, Shriver, Soucy, Steiner, Stiles, Turgeon, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Austin, Laurent Boucher, Fraser, Gilbreth, Gross, Hayes, Hess, Mary Holmes, C. William Johnson, Kidder, Lewis, Lockwood, Merton Mann, Millard, Nichols, Pantzer, Phelps, Rehlander, Doris Riley, Walter Robinson, Stio, West, Whittemore and Yeaton.

ROCKINGHAM: Gordon Arnold, Barnes, Benton, William Boucher, Eunice Campbell, Marilyn Campbell, Conroy, Drake, Ellyson, Felch, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Gosselin, Haynes, Hoar, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Magoon, William F. McCain, McKinney, Newell, Ritzo, Schmidtchen, Seward, Sherburne, Simon, Skinner, Sochalski, Sytek, Tilton, Tufts, Vaughn, Walker, Warburton, Woodward and Wright.

STRAFFORD: Appleby, Bernard, Callaghan, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Laurion, Martling, Parks, Pelley, Proulx, Francis Robinson, Spear, Ann Torr, Wall and Wilson.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Rep. Chretien notified the Clerk that he wished to be recorded against the substitute motion.

Question now being on the Committee report, Inexpedient to Legislate. Resolution adopted.

HB 554-FN, to revise municipal tax sale practices. Ought to Pass with Amendment.

This bill puts the Real Estate Tax lien back in the hands of the municipalities, county, and state, thereby limiting outside lien holders. It further provides for interest computation on the unpaid balance after the execution of the tax lien. Vote 12-0. Rep. John S. Barnes, Jr. for Municipal and County Government.

#### Amendment

Amend the catchline of RSA 80:25 as inserted by section 4 of the bill by replacing it with the following:

80:25 Postponement of Execution; Execution of Tax Lien by Agent.

Amend RSA 80:28 as inserted by section 5 of the bill by replacing it with the following:

80:28 Notice by [Purchaser] Lienholder to Mortgagee. The [purchaser of any real estate sold by a collector of taxes] municipality, county or state as lienholder, within 45 days from the date of [sale] execution of the lien, shall notify all persons holding mortgages upon such property as recorded in the office of the register of deeds. In the

event that a person holds a mortgage on more than one piece of property, a listing of the property may be forwarded by the [purchaser] lienholder. [Whenever a town becomes such a purchaser and the selectmen thereof] If the selectmen determine that one or more outstanding mortgages exist, they may direct the collector of taxes to give such notice to any mortgagee, and the collector shall thereupon be entitled to receive the same fees as provided in RSA 80:37 for notifying any mortgagee of a payment after [sale] the execution of the tax lien. Such notice shall give the date of the [tax sale] execution of the lien, the name of the delinquent taxpayer, the total amount [for which said real estate was sold] of the lien and the amount of costs for notifying mortgagees. As provided in RSA 80:37, the tax collector shall send a similar notice to any mortgagee within 30 days of the time of payment of any subsequent tax thereon by the purchaser. Any tax [sale] lien process of such encumbered real estate shall be void as against any mortgagee and no tax collector's deed based on said [sale] lien shall be valid unless the mortgagees shall have been notified in the manner provided in RSA 80:29, but the tax and any subsequent tax payments made upon the property shall be collectible and payment may be enforced by suit under the provisions of RSA 80:50.

Amend RSA 80:32 as inserted by section 7 of the bill by replacing it with the following:

80:32 Redemption. Any person interested in land [so sold] subject to a real estate tax lien may redeem the same by paying or tendering to the collector, [or in his absence, at his usual place of abode,] at any time before a deed thereof is given by the collector, the amount [for which the land was sold, together with costs for notifying mortgagees, if any] of the real estate lien, [and] with interest at 18 per cent per annum upon the whole amount [from the time of sale] of the recorded lien from the date of execution to the time of payment [or tender] in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs [incurred] and costs for notifying the mortgagees, if any. In case the tax collector who [sold] executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his bond by the selectmen or assessors, then the person interested in redeeming the property may tender the aforesaid sums to the tax collector then in office of said city or town[;]. [and] Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the [said] tax collector shall accept said amount for the redemption of [said] the property.

Amend RSA 80:36 as inserted by section 7 of the bill to read as follows:

80:36 Record to be Kept by Register of Deeds. The register of deeds shall record all the facts reported to him under [RSA 80:22,] RSA 80:27, [and RSA 80:]33, 37 and 38, and any other facts required to be reported by the tax collectors of his county in a book or books to be kept for that purpose. He shall keep an index thereof showing the location of the property and the names of the owners to whom taxed, the names of delinquents, the [purchasers at tax sales] holder of the real estate tax lien, and the names of those who pay delinquent taxes or redeem from [sales] the real estate tax lien. The index may be the same as that for other records in his office or a separate one, as each register shall determine. All documents received by the register from the tax collector shall be returned to the tax collector within 30 days.

Amend RSA 80:40 as inserted by section 10 of the bill by replacing it with the following:

80:40 Return of Reports. Whenever a tax collector, under the provisions of [sections 22, 23, 27, 33 and 37 of this chapter] RSA 80:25, 27, 33, 36, 37, or 38 shall make a return or a report to the register of deeds of [advertisement or consummation of a tax sale, or of a payment before sale or redemption therefrom] an execution of the real estate tax lien, subsequent tax payment, redemption payment, collector's deed, or discharge of a tax lien for any reason, the register of deeds shall cause the time of his receipt thereof to be stamped or written upon the back of said report or certificate and shall, after entering the same in the registry records, return it to the tax collector [within a reasonable time] as provided in RSA 80:36.

Amend RSA 80:43, 1 as inserted by section 12 of the bill by inserting after subparagraph (f) the following new subparagraph:

(g) For each notice to the register of deeds of payment of tax subsequent to execution of the tax lien, \$2 plus the fees advanced and paid to the register of deeds.

Amend RSA 80:46, 1 as inserted by section 13 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) For recording and indexing a report of subsequent tax payment, each parcel, \$2.

Amend RSA 80:55, 1V as inserted by section 14 of the bill by replacing it with the following:

1V. Exception. The provisions of this section shall not apply to payment or remittance [for tax sales, the advertisement of tax sales, tax sale] as a result of execution of tax liens or tax lien redemptions or payment of subsequent taxes thereon.

Amend the bill by replacing section 19 with the following:

19 Repeal. The following are hereby repealed:

I. RSA 80:22, relative to reporting a notice of sale to the register of deeds.

II. RSA 80:23, relative to recording the notice as evidence.

III. RSA 80:24-a, relative to the manner of sale.

Amend the bill by inserting after section 7 the following and renumbering the original sections 88 - 20 to read as 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, respectively.

8 Payment of Subsequent Tax; Lienholder. RSA 80:37 is repealed and reenacted to read as follows:

80:37 Payment of Subsequent Tax.

1. The municipality, county, or state as holder of the tax lien may pay to the collector any tax assessed upon the real estate subsequent to that of the execution of the lien, after the final installment of said tax for that year is delinquent, and the collector shall, within 30 days after such subsequent payment, notify the register of deeds of the payment, giving the date and the amount of such payment and the name of the municipality, county, or state so paying, together with the date of the tax lien, the name of the person taxed, and a description of the property subject to tax lien as shown in the report recorded in the registry of deeds. The collector of taxes shall receive \$2 for such notice to the register of deeds of the subsequent payment plus \$2 to be paid to the register of deeds.



II. The municipality, county or state as holder of the tax lien, within 30 days of payment of the subsequent tax, shall notify the current owner, if known, or the person as shown in the report of tax lien by certified mail. At the same time, the holder of the tax lien shall personally, or by certified mail, notify any mortgagee who was previously notified relative to the execution of the tax lien of his payment of the subsequent tax. The lienholder paying the subsequent tax shall receive \$10 for each notice to the current owner, if known, or the person as shown in the report of tax lien, together with expenses for sending the notice by certified mail, and a \$10 fee for each notice sent or given to a mortgagee, together with expenses for sending the notice by certified mail.

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of 18 percent per annum from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

#### AMENDED ANALYSIS

This bill eliminates the current practice under which real estate may be sold by a municipality to a private individual for nonpayment of property taxes on the real estate. Tax sales are replaced with a real estate tax lien procedure under which only a municipality or county where the property is located or the state may acquire a tax lien against land and buildings for unpaid taxes.

As amended, the bill does not repeal the provisions for payment of subsequent tax, RSA 80:3/.

As amended, the bill also requires that if partial payments are made in redemption of real estate upon which a real estate tax lien has been executed, the interest shall be computed on the unpaid balance due, rather than at the rate of 18 percent on the whole amount due.

Amendment adopted.

Ordered to third reading.

HB 589-FN, relative to adjusted elderly exemptions. Ought to Pass with Amendment.

House Bill 589 changes the emphasis of elderly exemption, placing the responsibility for determining the extent of the exemption up to the individual towns. Vote 12-0. Rep. David M. Perry for Municipal and County Government.

#### Amendment

Amend RSA 72:43-h, 1(d) as inserted by section 3 of the bill by replacing it with the following:

(d) The exemption amounts inserted in the above question shall in no case be less than the exemption amounts for each respective age group which were in effect in the municipality prior to the initial adoption of the optional adjusted elderly exemption. The amount of net assets owned inserted in the above question shall in no case be less than the amount of net assets owned which is in effect in the municipality prior to the initial adoption of the optional adjusted elderly exemption.

Amend RSA 72:43-h, IV(b) as inserted by section 3 of the bill by replacing it with the following:

(b) No town or city shall modify the optional adjusted elderly exemption pursuant to subparagraph (a) within 5 years of any prior adoption or modification, unless the city or town performs a reappraisal of real estate during that 5 year period.

Amend the bill by replacing section 5 with the following:

5 Study Committee Established. There is hereby established a study committee of 7 members to review the existing elderly, expanded elderly, and adjusted elderly property tax exemptions. The committee shall, on or before October 1, 1987, prepare proposed legislation incorporating its recommendations for combining the existing elderly, expanded elderly, and adjusted elderly exemptions into a single property tax exemption. The proposed legislation for a single elderly property tax exemption shall be submitted to the 1988 session of the general court. The committee shall have full power and authority to require from the several departments, agencies, and officials of the state and the political subdivisions of the state such information and assistance as it deems necessary. The committee shall consist of 4 members of the house municipal and county government committee appointed by the speaker of the house and 3 members of the senate public affairs committee appointed by the president of the senate. Members of the committee shall select a chairman and a vice-chairman at their first meeting. The members of the committee shall receive legislative mileage for their travel expenses to and from meetings of the committee. The committee shall meet as often as it deems necessary.

6 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

As amended, this bill permits any town or city to adopt optional adjusted elderly exemptions of its own choosing which differ from the amount of the adjusted elderly exemptions provided in RSA 72:43-f, but which meet the conditions of RSA 72:43-g for granting adjusted elderly exemptions. Optional adjusted elderly exemptions shall not be less than the exemption amounts for each respective age group which were in effect in the municipality prior to the initial adoption of the optional exemption, and the net assets which may be owned shall not be less than the amount in effect in the municipality prior to the initial adoption of the optional exemption.

The bill also establishes a study committee consisting of 4 members of the house municipal and county government committee and 3 members of the senate public affairs committee. The committee shall study combining the elderly, expanded elderly, and adjusted elderly exemption into a single elderly property tax exemption.

Amendment adopted.

Ordered to third reading.

HB 276-FN-A, relative to the rate of the real estate transfer tax.  
Ought to Pass.

The current Real Estate Transfer Tax is .375 per \$100 payable by both the buyer and seller. At all of the Committee's hearings on the Transfer Tax, there was no groundswell to reduce this tax and the Committee with a vote of 15-0 felt that the rate should remain as it is. This also protects the 10 counties' percentage of the tax. Rep. Roland A. Sallada for Ways and Means.

Rep. Granger moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass, and spoke to his motion.

Rep. Ward spoke against the motion and yielded to questions.

Rep. LaMott spoke against the motion.

A roll call was requested. Sufficiently seconded.

YEAS 23 NAYS 289

YEAS 23

BELKNAP: Turner.

CARROLL: None.

CHESHIRE: Daniel Eaton, Morse, Pierce and David Young.

COOS: Horton.

GRAFTON: Bean.

HILLSBOROUGH: Buckley, Champagne, William Desrosiers, Paul Dionne, Gagnon, Granger, Scott Green, Leclerc, Lefebvre, Lozeau and Shriver.

MERRIMACK: Beaton and Walter Robinson.

ROCKINGHAM: Newell.

STRAFFORD: None.

SULLIVAN: Brodeur and Schotanus.

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BELKNAP: Bowler, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Jensen, Pearson, Randall, Lawrence Richardson and Wixson.

CARROLL: Allard, Gene Chandler, Robert Holmes, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Blacketer, Clark, Cole, Daschbach, Delano, Doucette, Foster, Irvin Gordon, Grodin, LaMar, Matson, Miller, Parker, Perry, Ramsay, Sawyer and Schwartz.

COOS: Brady, Brungot, Harold Burns, Coulombe, Frederic Foss, Guay, Kilbride, Lemire, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bennett, Blair, Chambers, Christy, Copenhaver, Dearborn, Densmore, Driscoll, Hammond, Wayne King, LaMott, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baldizar, Beaupre, Bourque, Boutwell, Bowers, A. Leslie Burns, Chretien, Cote, Cowenhoven, Cusson, Daigle, Ann Derosier, Gerard Desrochers, Domainque, Donovan, Drolet, Dube, Dupont, Dwyer, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gelinas, Genest, Guilbert, Marian Harrington, Healy, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Kurk, Long, Lown, Mason, Bonnie McCann, Messier, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Paquette, Perham, Pignatelli, Reardon, Reidy, Ellen-Ann

Robinson, Rodgers, Routhier, Sallada, Soucy, Steiner, Stiles, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler, Kenneth Wheeler, Winn and Zis.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Laurent Boucher, Cahill, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hager, Hayes, Hess, Mary Holmes, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Merton Mann, Manus, Millard, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Doris Riley, Stio, Trombly, Tupper, West, Whittemore and Yeaton.

ROCKINGHAM: Gordon Arnold, Barnes, Benton, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cressy, Cushing, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Gosselin, Elizabeth Greene, Haynes, Hoar, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Magoon, William F. McCain, McGovern, McKinney, Pantelakos, Pevear, Read, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Sylek, Tilton, Tufts, Vaughn, Walker, Warburton, Weddle, Woodward and Wright.

STRAFFORD: Appleby, Bernard, Callaghan, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Laurion, Lussier, Martling, Parks, Pelley, Proulx, Francis Robinson, Spear, Swope, Ann Torr, Wall and Wilson.

SULLIVAN: Behrens, Cutting, Domini, Flint, Ingram, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Spaulding and Sara Townsend, and the motion lost.

Ordered to third reading.

HB 363-FN-A, relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes. Ought to Pass with Amendment.

This is a housekeeping bill proposed by the Department of Revenue Administration. It eliminates provisions under the bank, franchise, and interest and dividends taxes which stipulate that the estimated tax must be at least equal to the tax reported on the return filed with the declaration. The amendment creates a separate division within the agency to handle the computer needs of the Department of Revenue Administration. Vote 16-0. Rep. Roland A. Frechette for Ways and Means.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes, and creating a division of automated information systems in the department of revenue administration.

Amend the bill by replacing section 4 with the following:

4 New Section; Division of Automated Information Systems. Amend RSA 21-J by inserting after section 6 the following new section:

21-J:6-a Division of Automated Information Systems.

1. There is established within the department a division of automated information systems, under the supervision of a classified

director of automated information systems who shall be responsible for the following functions, in accordance with applicable laws:

(a) Planning, developing, and implementing an automated information management system for the department.

(b) Providing the procedures, processes, and training needed for the storage and retrieval of information and the utilization of automated information systems by the department.

13. The systems developed under this section shall be designed to support the department's tax administration activities and to provide analytic summaries of data obtained through the tax administration process. The system shall include but shall not be limited to:

(a) The storage of all data available to the department that may be needed for revenue forecasting or for the development of fiscal notes for proposed legislation.

(b) The collection, reporting, and basic analysis of data useful to the governor and general court for public policy decisions.

#### 5 Effective Date.

1. Sections 1, 2, and 3 of this act shall take effect upon its passage, and shall apply to returns and taxes due on account of taxable periods ending on or after December 31, 1987.

11. The remainder of this act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill eliminates provisions under the bank, franchise, and interest and dividends taxes which stipulate that the estimated tax must be at least equal to the tax reported on the return filed with the declaration, unless for good cause shown the commissioner of revenue administration permits the taxpayer to make a lesser estimate.

The bill was requested by the department of revenue administration.

As amended, the bill also creates a division of automated information systems within the department of revenue administration.

Amendment adopted.

Ordered to third reading.

HB 569-FN, relative to a long range capital improvement plan and integrated data system. Ought to Pass with Amendment.

This bill directs the Long Range Capital Planning and Utilization Committee to develop a dynamic and integrated system. Vote 13-0.  
Rep. Dennis J. Kilbride for Public Works.

#### Amendment

Amend paragraph 11 as inserted by section 2 of the bill by replacing it with the following:

11. An affordable debt limit committee consisting of the state treasurer as chairman, the commissioner of revenue administration and the governor's budget director shall establish an affordable debt limit annually on or before May 31. On this same date a forecasted affordable debt limit shall be established for the succeeding 9 years. The forecasted affordable debt limits shall be updated annually. Revised annual and forecasted affordable debt limits shall be provided at the request of the governor or the long range capital planning and utilization committee whenever the governor or the committee believes economic changes or conditions justify such a request.

Amend paragraph IV as inserted by section 2 of the bill by replacing it with the following:



IV. The long range capital planning and utilization committee shall assign a priority rating to each project listed on the long range capital expenditure plan submitted by each department or agency. Each project requiring capital expenditures shall then be listed in order of priority for the year in which funds are requested for the project. The affordable debt limit shall also be listed for each year of the 10 year plan. Each time a capital expenditure is approved by the legislature, the affordable debt limit for that year shall be decreased by the amount of funds appropriated. In assigning priority ratings to projects, the commissioner shall consider any reports or recommendations of the department or agency and recommendations of the governor.

Amend paragraph V as inserted by section 2 of the bill by replacing it with the following:

V. A procedure shall be established for insuring that capital expenditures authorized by the legislature each year shall not exceed the affordable debt limit established for that year. An attempt shall be made to process all "legislative special" bills through the legislative process prior to consideration of the capital budget. At the beginning of each biennium the 2 most current years of the long range plan shall be submitted as the capital budget for that term. All items on the capital budget will be considered as a tentative debt and applied against the affordable debt limit until it has been cancelled, at which time the affordable debt limit will be increased by the amount of the cancelled project. An approved project will be considered as a tentative debt or tentative bond issue until a bond has been issued to finance the project. At that time the tentative bond issue will become an actual bond issue and an actual debt. Any approved projects on the capital budget which are ready for contract at the beginning of the biennium may be placed on the so-called fast track capital budget. Only that part of a project that is ready for contract will be included in the capital budget when it is reported out of the house public works committee for floor action by the house of representatives. However, any project not on the capital budget for the first year of the biennium because it was not ready for contract shall continue to be considered a tentative debt. If such projects are ready for contract during the second year of the biennium, they shall be included on the supplemental capital budget for the second year. All projects on the governor's capital budget and any departmental requests added to the capital budget by the public works committee shall be considered a tentative debt and deducted from the affordable debt limit by the treasurer, which in turn will lower the affordable debt limit for the biennium. This procedure shall prevent the affordable debt limit from being exceeded. The affordable debt limit shall not be exceeded except by a 2/3 vote of the legislature and only for the amount stated in the approval within any time limitations stated.

Amend subparagraphs VIII(a) and (b) by replacing them with the following:

(a) The department heads shall review their 10 year long range plans biennially. New projects shall be added to replace projects placed under contract the prior year. Any new development pertaining to a previous capital expenditure request shall be submitted to the commissioner of administrative services for a new priority rating. If a department head feels that there are new circumstances and conditions, which should be considered in determining the priority of the project, he shall submit them to the governor, to the long range capital planning and utilization committee, and then to the legislative committee holding hearings for consideration.

(b) If the governor learns of an emergency or has reason to add, delete or revise any capital expenditure on any plan, he shall advise the legislature of his reasons why his requests should precede a project having a higher priority. These statements shall be included in his presentation of his capital budget or shall be made in writing to the long range capital planning and utilization committee and then to the standing committee holding a hearing on the project.

Rep. Gross spoke against the amendment and yielded to questions.

Rep. Pearson moved that HB 569 be recommitted to the Committee on Public Works and spoke to his motion.

Rep. Beverly Gage spoke to the motion.

Rep. Pearson withdrew his motion.

Amendment lost.

Rep. James Chandler moved that HB 569 be Re-Referred to the Committee on Public Works and spoke to his motion.

Rep. Gross spoke to the motion.

Motion adopted.

Rep. Phelps offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 17 at 11:00 a.m.

Adopted.

#### LATE SESSION

#### Third reading and final passage

HB 75-FN-A, relative to registration fees for pesticide products.

HB 79-A, making a capital appropriation for Tip Top House.

HB 83-A, relative to the Cornish-Windsor bridge and making an appropriation therefor.

HB 97-FN-A, appropriating funds to the department of agriculture for inspection of apiaries.

HB 135-FN, relative to sunset review of the public utilities commission - administration and support.

HB 193-FN-A, relative to liquor store relocation and making an appropriation therefor.

HB 244-FN-A, establishing a study committee to review existing fire laws.

HB 371-FN-A, relative to the compromise of an action against the state and making an appropriation therefor.

HB 377, to liquidate encumbrances and lapse available balances on certain capital accounts.

HB 591-FN, relative to the retention of state election ballots.

HB 163-FN, relative to sunset review of the boxing and wrestling commission.

HB 488, relative to the department of revenue administration.

HB 657-FN, relative to the investment of state trust funds.

HB 725-FN, relative to the attorney general.

HB 442, extending certain temporary rulemaking authority of the commissioner of labor.

HB 416, concerning the presumption of procedural compliance in the enactment of municipal legislation.

HB 433, relative to the termination of county employees.

HB 480, recodifying the county corrections laws.

HB 482, relative to the charter of Wentworth-Douglass Hospital.

HB 597-FN, relative to the residency requirement for the elderly, expanded elderly, and adjusted elderly property tax exemptions.

HB 408-FN, relative to establishing a uniform fine schedule for boating violations.

HB 479, relative to delaying condominium conversions following certain rental increases.

HB 383-FN, relative to road tolls.

HB 30-FN-A, relative to uniform allowance for newly commissioned second lieutenants and warrant officers in the New Hampshire national guard and making an appropriation therefor.

HB 37, relative to the emergency management act.

HB 366-FN-A, making supplemental appropriations to the University of New Hampshire cooperative extension service and to the board of veterinary medical examiners.

HB 466-FN, prohibiting any town or school district from holding an election on the day state elections are held.

HB 113-FN, establishing a civil air patrol grant program.

HB 623, relative to the practice of physical therapy.

HB 703-FN, relative to the board of auctioneers.

HB 626-FN, relative to medication specialists.

HB 662-FN, relative to reimbursement of the state for patients rendered services by the secure psychiatric unit.

HB 726, relative to the qualifications of the director of human services and establishing certain positions.

HB 554-FN, to revise municipal tax sale practices.

HB 589-FN, relative to adjusted elderly exemptions.

HB 276-FN-A, relative to the rate of the real estate transfer tax.

HB 363-FN-A, relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes and creating a division of automated information systems in the department of revenue administration.

Rep. Phelps moved that the House stand in recess.

Adopted.

The House recessed at 11:35 a.m.

RECESS

(Speaker in the Chair)

Rep. Ezra Mann moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 13

*Tuesday, 17Mar87*

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Generous God, You have filled our lives with the bounty of Your spirit. You stand close to us and call us, in turn, to show Your love to others. Forgive us when we mutter and sputter about things which are of little consequence. Then grant us the insight to recognize those things which do truly matter.

O Holy One, we are deeply aware of the feeling that there is too much to do in too little time. Calm our anxieties and increase our patience so we may work together effectively and faithfully in our common task.

And grant, that when the evening has come, and the darkness of night settles over us, we may rest well, with minds and bodies which are weary, with spirits and visions which dance. Amen.

Rep. Bates led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Boisvert, Schwaner, Popov, Copenhaver and Francis Robinson, the day, illness.

Reps. Holbrook, Lemire, Rodgers, Olimpio, Thurston, Blanchette, Wallner, Ducharme, Bass, Scott, Lionel Boucher, D'Amante, John Young, Gordon Arnold, Mulligan, Millard, Randall, Frew, Magoon, Daniel Eaton, Ralph Torr, Gourdeau and Stonner, the day, important business.

Reps. Ruth Gage and Tilton, the day, death in the family.

Reps. Joseph MacDonald and Walter, the day, illness in the family.

## INTRODUCTION OF GUESTS

Students from Orford High School and their teacher, Mr. LaSage; former Representative Paul Meader, guest of Rep. Sochalski; Jonathan Holden, son of Rep. Holden; students from Japan, West Germany and Argentina, studying English and visiting in the Goffstown area, guests of the House.

## SENATE MESSAGES CONCURRENCE

HB 138, relative to sunset review of the department of safety - division of motor vehicles.

HB 169, relative to sunset review of Maine-New Hampshire interstate bridge authority.

## REQUESTS CONCURRENCE

SB 235-FN, relative to municipal and county bonds.

SB 230-FN, reinstating the position of sealer of weights and measures in Nashua.

SB 149, to prohibit regulations which exclude a municipality's fair share of multi-family housing.

SB 199, relative to branch banking.

SB 172-FN, regulating the taking of certain wildflowers and plants in New Hampshire.

SB 228, relative to disobeying a law enforcement officer.

SB 109, expanding the prohibition on possession of dangerous weapons by felons.

SB 27, regulating abortions.

SB 124, prohibiting abortions performed on certain minors without parental consent.

SB 158, relative to limitations of prosecutions of sexual assault offenses.

SB 26, prohibiting homosexuals from donating blood.

SB 64, legalizing the New London-Springfield water system precinct meeting of March 18, 1986.

SB 141, naming the interstate bridge between New Hampshire and Maine, the Sarah Mildred Long Bridge.

SJR 1, against communist tyranny.

SB 85-FN, establishing a special environmental court within the Manchester district court.

SB 133-FN, relative to immunizing children.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 102, 62, 73, 77, 95, 48, 234, 87, 173, 218, 105, 86, 232, 197, 193, 123, 57, 69, 70, 71, 166, 50, 56, 34, 76, 92, 100, 106, 25, 80, 97, 66 and 24, and Senate Concurrent Resolution numbered 2, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS and SCR

First, second reading and referral

SB 102-FN, establishing a study committee to assess the need for enterprise zones. (Commerce, Small Business and Consumer Affairs)

SB 62, relative to counting absentee ballots in cities and towns which use voting machines. (Constitutional and Statutory Revision)

SB 73, to revive the charter of the First Congregational Church of Salem. (Constitutional and Statutory Revision)

SB 77-FN, enabling certain municipal bodies to participate in the joint promotional advertising program. (Municipal and County Government)

SB 95-FN-A, to reimburse the mediator of the Eideweiss-Madison negotiations, and making an appropriation therefor. (Appropriations)

SB 48, relative to the appointment of certain town officers. (Municipal and County Government)

SB 234-FN, authorizing the commissioner of health and human services to transfer authority for operation of medical assistance programs. (Health and Human Services)

SB 87, relative to the confidentiality requirement for explosive licenses. (Public Protection and Veterans Affairs)

SB 173, relative to disclosure of motor vehicle defects. (Commerce, Small Business and Consumer Affairs)

SB 218, relative to clean indoor air in restaurants. (Health and Human Services)



SB 105-FN, relative to the central interagency motorpool study committee. (Transportation)

SB 86-FN-A, relative to a memorial for Governor Sherman Adams. (Resources, Recreation and Development)

SB 232-FN, relative to the board of barbering and cosmetology. (Executive Departments and Administration)

SB 197-FN, relative to alarm installers. (Executive Departments and Administration)

SB 193, reinstating the charter of United Energy Systems, Inc. (Constitutional and Statutory Revision)

SB 123, amending the ward lines for the city of Portsmouth. (Constitutional and Statutory Revision)

SB 57, relative to change of name and address of a corporation. (Constitutional and Statutory Revision)

SB 69, enacting the uniform limited partnership act. (Commerce, Small Business and Consumer Affairs)

SB 70, amending article 8 of the uniform commercial code. (Commerce, Small Business and Consumer Affairs)

SB 71, adopting the uniform fraudulent transfer act. (Commerce, Small Business and Consumer Affairs)

SB 166-FN, abolishing the sunset review process. (Legislative Administration)

SB 50, relative to damages from construction. (Judiciary)

SB 56, relative to false impersonation of a law enforcement officer or investigator. (Judiciary)

SB 34, relative to the advisory budget control committee and the fiscal committee. (Legislative Administration)

SB 76, relative to records management and archives. (Executive Departments and Administration)

SB 92, relative to special elections for city and ward officers. (Constitutional and Statutory Revision)

SB 100, relative to exemption from regulation of the design, construction, and alteration of certain small structures. (State Institutions and Housing)

SB 106, relative to the responsibilities of the commissioner of safety. (Executive Departments and Administration)

SB 25, establishing that human life begins at conception. (Health and Human Services)

SB 80, amending the statutory speed limit on certain highways of the state. (Transportation)

SB 97-FN, establishing a study committee relative to the feasibility of one-way tolls on part of the turnpike system. (Public Works)

SB 66, relative to the office of reimbursements. (Health and Human Services)

SB 24, prohibiting abortions in the third trimester of pregnancy. (Health and Human Services)

SB 233-FN, relative to capital budget requests for airports in the state. (Public Works)

SB 51, relative to airboats, mufflers, and decibel levels of boats. (Transportation)

SB 72, relative to the industrial development authority and industrial development revenue bonds. (Commerce, Small Business and Consumer Affairs)

SB 130-FN-A, relative to the trust fund for the prevention of child abuse and neglect and making an appropriation therefor. (Children, Youth and Elderly Affairs)

SB 214, relative to the allocation of the state's tax exempt private activity bond limit. (Commerce, Small Business and Consumer Affairs)

SB 21, relative to administrative inspection warrants. (Judiciary)

SB 159, relative to the regulation of gasoline franchises. (Commerce, Small Business and Consumer Affairs)

SB 205, transferring the administrative authority for bingo.  
(Regulated Revenues)

SB 207-FN, relative to the funding of catastrophic illness from taxes on tobacco products. (Ways and Means)

SB 221-FN, relative to the due date for the meals and rooms tax return. (Ways and Means)

SB 148, relative to procedures for distribution of certain federal funds allocated to the state. (Executive Departments and Administration)

SCR 2, applying to Congress of the United States to call a convention to propose an amendment to protect the lives of the unborn. (Health and Human Services)

#### ENROLLED BILLS REPORT

HB 89, relative to library areas.

HB 148, relative to sunset review of Glencliff home for the elderly.

HB 149, relative to sunset review of Laconia state school and training center.

Rep. Natalie S. Flanagan  
For the Committee.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 528, instituting a confidential system to protect engineers reporting construction safety violations, was removed at the request of Rep. Russell Chase.

HB 504, permitting a person to be the candidate of only one party, was removed at the request of Rep. James Chandler.

HB 522, relative to membership on the state party convention, was removed at the request of Rep. Warburton.

HB 283, relative to employment termination, was removed at the request of Rep. Burton Knight.

HB 694, relative to financial disclosure, was removed at the request of Rep. Wayne King.

HB 552, relative to per diem increases for deputy sheriffs, was removed at the request of Rep. A. Leslie Burns.

HB 670, relative to review of wood-fired electrical generating plants, was removed at the request of Rep. Daschbach.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 258-FN, establishing a committee to study whether liability insurance should be mandatory for OHRVs, snowmobiles, ATVs and organized OHRV clubs. Ought to Pass with Amendment.

House Bill 258 covers liability of volunteers working on land, with the permission of the landowner, clearing trails, etc; owners are already covered against liability by other statutes. Vote 17-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to limitations on liability.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Limited Liability. Amend RSA 508 by inserting after section 12-a the following new section:

508:12-b Limitation of Liability after Receiving Permission of Landowner. Any person who, in good faith, and without willful or wanton negligence, with the permission of the landowner, designs, builds, rebuilds, or maintains, for no direct compensation, any trail, bridge, shelter or other structure or fixture pertaining thereto in accordance with generally accepted guidelines, shall not be liable in a civil action for personal injury or property damage resulting from his acts or omissions.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, exempts from personal liability for personal or property damage resulting from their acts or omissions persons who, in good faith, and without direct compensation, design, build, or maintain trails, bridges, shelters, and certain other structures.

HB 394, permitting persons covered by a group health policy to obtain an individual policy with identical limits upon termination of the group policy. Inexpedient to Legislate.

Re: Benefits obtainable upon termination of group health insurance: As indicated, it is already possible to obtain an individual policy when dropped from a group or blanket policy. This bill would mandate that any such policy be identical to that of the former group. At the hearing, the Committee found the limits of coverage available have recently been increased and that the Insurance Department already has the power to make changes should a need be indicated. To mandate that individual policies must be written-off the multitude of group policies would create a myriad of rating and filing problems. Vote 16-0. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

HB 571-FN, relative to the certification and financial management of life care facilities. Ought to Pass with Amendment.

This bill regulates life care communities which require an entrance fee and periodic payments in return for continuing care. It requires providers of such care to obtain a certificate of authority, renewable every 3 years, from the Insurance Commissioner. It also allows the Commissioner to adopt a schedule of fees to cover the cost of administering this chapter. Vote 17-0. Rep. Geraldine G. Watson for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 New Chapter; Continuing Care Communities. Amend RSA by inserting after chapter 420-C the following new chapter:

#### CHAPTER 420-D CONTINUING CARE COMMUNITIES

420-D:1 Definitions. In this chapter:

1. "Advisory council" means the continuing care advisory council established under RSA 420-D:18.

II. "Commissioner" means the insurance commissioner.

III. "Continuing care" or "life care" means furnishing to a person, other than one who is related by consanguinity or affinity up to, but not including, the third degree, services that may include, but are not limited to, board and lodging, nursing services, medical services, and other health related services, irrespective of whether the lodging and services are provided at the same location, pursuant to an agreement extending for the life of such person or for a period of a year or more and including mutually terminable contracts in consideration for the payment of an entrance fee which may include additional periodic payments.

IV. "Department" means the insurance department.

V. "Entrance fee" means payment of a sum, in cash or in kind, to a provider in return for acceptance as a resident in a facility.

VI. "Facility" means any facility or institution offering continuing care to an individual.

VII. "Licensed" means that the provider has obtained a certificate of authority from the commissioner.

VIII. "Living unit" means a room, apartment, or other area within a facility used exclusively by one or more residents.

IX. "Manager" means a person who operates a facility.

X. "Periodic payments" mean those payments made by a resident to a provider for continuing care.

XI. "Provider" means a person contracting to provide continuing care at a facility. This may be a natural person, partnership, or any other type of business organization, whether organized for profit or not.

XII. "Resident" means a person entitled, pursuant to a contract with the provider, to receive continuing care in a facility.

XIII. "Solicit" means all actions by a provider or manager seeking to have individuals enter into a continuing care agreement. This includes, but is not limited to, mail, telephone, personal contacts, and media advertisements.

#### 420-D:2 Certificate of Authority; Temporary Certificates.

I. No person or provider may solicit funds, accept payments of any kind, or otherwise engage in providing any form of continuing care without a certificate of authority issued under this chapter. Applications for certificate shall include a statement indicating that the requirements under RSA 420-D:4 and RSA 420-D:10 have been met. The commissioner shall take prompt action on requests for a certificate and shall within a reasonable time, issue a certificate or a written rejection. If he rejects an application he may do so outright or state the conditions which must be met before a certificate shall be issued. The applicant may request reconsideration and shall be granted a hearing in accordance with rules adopted by the commissioner. Certificates issued under this section shall expire 3 years from the date of issuance.

II. Continuing care facilities operating on January 1, 1988, shall apply for a temporary certificate of authority. The commissioner may issue a temporary certificate for a period not to exceed a year; however, if requested, he may extend such period to 2 years if there are in his opinion extenuating circumstances. A facility shall be in compliance with this chapter with regard to any new residents. Notwithstanding this paragraph, the commissioner shall not issue a temporary certificate unless he determines from the application that there is a reasonable expectation that the provider has the ability to comply with the provisions of this chapter. The provider of an existing facility shall, upon receipt of a permanent certificate of authority issued under this chapter, amend the contractual and non-contractual agreements with the residents of such facilities to conform with the provisions of this chapter. If the commissioner denies a provider operating on January 1, 1988, a permanent certificate of authority, any resident shall be entitled to all remedies provided under this chapter.

420-D:3 Renewal of Certificate of Authority. Any provider holding a certificate of authority shall file an application of renewal at least 30 days prior to the expiration of the 3-year period from issuance. The commissioner shall establish a fee for such renewals in accordance with rules adopted pursuant to RSA 541-A.

420-D:4 Disclosure Requirements.

I. Each provider filing an application for a certificate under 420-D:2 shall attach a disclosure statement on a form to be provided by the commissioner. The disclosure statement shall be delivered before any transfer of funds or before any contract is consented to by each prospective resident of the facility. The disclosure statement shall include in conspicuous large type, the statement: "Warning, you are advised to consult with an attorney before signing any documents or agreements concerning this matter. You have the right to cancel this agreement without obligation, except for certain described services and charges." The language of the disclosure statement shall be in plain and understandable English.

II. The disclosure statement shall include the following information:

(a) The name of the organization and whether it is for profit, and whether it is a partnership, corporation, or other type of organization.

(b) For all officers, trustees, investors, and owners with more than 5 percent ownership and for the facility manager:

- (1) Name, address and amount of ownership.
- (2) Responsibility and relationship to the facility.
- (3) Previous experience with similar facilities.
- (4) Previous business experience.
- (5) Any felony convictions against such person in any jurisdiction.
- (6) Any court orders or injunctive relief against such person.
- (7) Relationships with other nursing homes or like communities.
- (8) Previous bankruptcies or financial actions against such person.
- (9) Relationship with any supplier or potential supplier of services.

(10) Supplies or materials of any kind contributed.

(c) The provider's relationship with any religious, charitable, or nonprofit organization and the extent of such organization's financial responsibilities to the provider or to residents.

(d) Whether the provider claims to be nonprofit or tax exempt.

(e) The location and description of the facility and, if it is proposed or incomplete, the estimated completion date, status of construction, and any contingencies on that completion date.

(f) Those services to be provided by the facility under basic contract and those at extra cost.

(g) All locations where services are to be provided, if different from the main facility.

(h) All entrance fees and periodic payments that are required of residents.

(i) When and how periodic payments may be changed by the facility.

(j) Provisions of the provider for reserve funding, escrows, and trusts and investment of these funds.

(k) Certified financial statements including, if facility is in operation, a balance sheet for the current and previous year and an income statement.



- (1) If the facility has not yet begun operating:
  - (1) All expected costs or obligations.
  - (2) All mortgages or long term financing.
  - (3) Estimated entrance fee income prior to operation.
  - (4) Estimated start-up losses and reserves to be covered by entrance fees.
  - (5) Projection of estimated annual income from periodic payments.
  - (6) All periodic payments a resident will be expected to pay.
  - (7) Assumptions and bases for estimating occupancy rates.
  - (8) All expected subsidies, private or government, including medicaid and medicare, and the effect if these subsidies are not received.
  - (9) Projected annual operating expenses plus estimated capital and equipment replacement expenditures for 5 and 10 year periods.
  - (10) All assets pledged as collateral.
  - (11) Annual payments on long term financing.
  - (12) Any other commitments to make payments to another party for any purpose.

III. The disclosure statement shall contain any other information deemed necessary by the commissioner.

IV. The statement shall also include a clear indication that acceptance of such a disclosure statement by the commissioner does not indicate approval of the provider or facility.

420-D:5 Revocation or Suspension of Certificate of Authority; Liens.

I. The commissioner may revoke, deny, suspend, or refuse to renew a certificate upon notice and hearing with written findings of fact if he finds that any of the following conditions exist:

- (a) Wilful violation by a provider of any provisions of this chapter or any rule adopted pursuant to it.
- (b) Failure to continue to meet the requirements of the certificate of authority due to a deficiency of assets.
- (c) Lack of any qualifications necessary under this chapter for the certificate of authority.
- (d) Failure to file a disclosure statement under RSA 420-D:4 or failure to disclose such to a prospective resident.
- (e) Fraud or misrepresentation of a material fact in the disclosure statement.
- (f) Failure to comply with a cease and desist order under RSA 420-D:23.

(g) Misappropriation, conversion, or wrongfully withholding money.

(h) A demonstrated lack of fitness or trustworthiness.

(i) A sale, transfer of ownership, or transfer of control which was not approved by the commissioner.

(j) Such unsound financial condition or any other practice which may be hazardous or injurious to the residents of the facility or to the general public.

II. Revocation of a certificate of authority under this section may be appealed to the superior court of the county in which the facility is located. If necessary to protect the interests of the residents, the commissioner shall file a lien in accordance with RSA 420-D:9 on the real and personal property of the provider and shall take any other action necessary to protect the residents of the facility.

420-D:6 Appeal. Any person, corporation, partnership, or association aggrieved by the action of the commissioner in revoking, suspending, or refusing to grant or reissue a certificate has the right to a rehearing and appeal in accordance with the provisions of RSA 541.

## 420-D:7 Annual Reports.

I. Annually, on or before April 15, a provider certified under this chapter shall submit a report to the commissioner relative to the financial condition of the facility together with any other information required by the commissioner. The commissioner may require more frequent reports of any provider or facility if he deems it necessary for proper review. If the provider uses an annual period other than a calendar year he may apply to the commissioner for permission to file on another date which must be within 105 days of the close of this annual period. The commissioner shall approve such a request if the annual period used is prescribed by an appropriate federal agency and shall approve requests that are for the convenience of the provider if it is practicable to do so. A provider shall not change the final date of his annual period without prior written approval of the commissioner.

II. The report required under this section shall include but not be limited to the following information:

(a) The most recent disclosure statement of the facility as required under RSA 420-D:4.

(b) An annual financial statement with an explanation of the differences between previous financial estimates and actual figures for the year.

(c) An estimated financial statement for the current year with an estimate in case of major changes during year. The commissioner shall adopt rules under RSA 541-A relative to the definition of major changes. Reports containing the information under this subparagraph shall not be distributed to residents of a facility unless prior approval has been obtained from the commissioner.

(d) Financial statements prepared by an independent certified public accountant, which shall contain for 2 or more annual periods, at a minimum, the following information:

- (1) A balance sheet.
- (2) A statement of income and expenses.
- (3) A statement of equity or fund balances.
- (4) A statement of changes in financial position.
- (5) The accountant's opinion regarding financial

stability.

(6) All notes to the financial statements considered customary or necessary to full disclosure and adequate understanding of the financial statements, the financial condition of the facility, and the operation;

(7) Such other reasonable data, financial statements, and pertinent information as the commissioner may by rule prescribe.

III. The annual statement shall be sworn to in writing by the principal officer or officers of the provider as follows:

- (a) If an individual owner, by him;
- (b) If a limited partnership, by the general partner;
- (c) If a partnership, by all the partners;
- (d) If an unincorporated association, by all its members or by all its officers and directors;
- (e) If a trust, by all its trustees and officers; or
- (f) If a corporation, by the president and the secretary.

420-D:8 Liquid Reserves. Liquid reserves of each facility subject to this chapter shall be maintained equal to 12 months principal and interest payments plus 2 months' operating expenses. The commissioner shall adopt rules pursuant to RSA 541-A relative to the definition of liquid reserves. The commissioner may require liquid reserves to be placed in escrow and shall prescribe escrow conditions and shall approve the escrow agent. If the provider contracts with any resident to return any portion of the entrance fee to such resident or his estate, a reserve shall be established by the provider in accordance with rules adopted by the commissioner.

420-D:9 Lien on Behalf of Residents. The commissioner shall file a lien on all real and personal property of a provider if he deems it necessary to protect the interests of the residents of a facility. Such lien shall be effective for the period determined necessary by the commissioner and may be renewed if the circumstances warrant it. A lien shall only be foreclosed to protect the investment of residents, and the proceeds shall be distributed in a manner to satisfy any continuing care contracts in effect at that time.

420-D:10 Entrance Fee Escrow Account.

I. An interest bearing escrow account for entrance fees shall be established and approved by the commissioner before a certificate of authority under this chapter shall be issued. Entrance fees paid by prospective residents before occupancy of a facility living unit and which total over \$1,000 shall be placed in this account. All entrance fees subject to this section shall be placed in the account on the first working day after receipt. Interest received on such fees shall be paid to the prospective resident if the resident does not enter the facility.

II. The provider shall deliver to the escrow agent the name, address, and the sum total of all entrance fees paid in for each resident or prospective resident. This shall be done at the same time that the fees are placed in escrow. The escrow agent shall maintain this information as part of the escrow account records. If an entrance fee has been paid by another on behalf of a resident, a statement shall be included as to whom the amount in escrow is to be returned to, should return become necessary.

III. Release of escrowed amounts shall be made as follows:

(a) For existing facilities, upon occupancy by the resident making the payment.

(b) For living units not previously occupied:

(1) When aggregate fees received equal 50 percent of total entrance fees due at full occupancy, except that any entrance fee payments that are less than 35 percent of the amount due from a resident will not be counted; or

(2) When entrance fees plus proceeds of any first mortgage or other long term loan in lieu of a first mortgage plus other funds on hand equal half of the total cost of the facility, plus half of the start-up losses shown in the certificate of authority application; or

(3) When a permanent mortgage or other long term loan commitment has been received and the mortgagee's commitment conditions prior to disbursement have been satisfied, other than completing construction and closing purchase.

IV. The escrow agent shall return funds, including all interest, to the person who originally made the payment to the provider, if the funds so deposited are not released to the provider under the conditions enumerated in paragraph I or II within 3 years of the escrow date.

V. The escrow provisions under this chapter shall not apply to non-refundable application fees under \$250 for services rendered by the provider.

VI. If approved by the commissioner, a provider may post bond, negotiable securities, or a letter of credit with the commissioner in lieu of escrow. The institution providing a bond or a letter of credit must meet all requirements of and have the full approval of the commissioner. The amount of the bond shall be in the same amount as if the funds received from residents or prospective residents had been placed in escrow. Under this paragraph, a record of persons who made entrance fee payments and the amount of such payments shall be maintained as required under paragraph I of this section.

VII. An escrow agent shall return funds to the person, or the estate of the person if deceased, who paid the entrance fee if requested by the provider. A request to return funds to any other person shall be approved by the commissioner.

420-D:11 Pledging Assets. Only unencumbered assets of a facility may be pledged as collateral for another facility.

420-D:12 Contracts With Residents.

I. Each contract between a provider and a resident shall:

(a) Be written in plain, non-technical language.

(b) Cover only one resident, or 2 if sharing the same unit, and shall include the total amount transferred by the resident, or on behalf of the resident, to the provider. If securities or real or personal property are transferred to the provider instead of cash, the provider shall describe exactly the securities, property, or other goods transferred and the market value of securities or the professional appraised value of property or goods as of the date they were tendered.

(c) State specifically and in full detail all services and items to be provided to the resident including the locations where services and items will be provided, the duration of such services, and how often they are to be provided. The contract shall also describe which services or items are included in the agreement for continuing care and which services or items will be made available by the provider at an extra cost to the resident.

(d) State the conditions upon which the provider may evict a resident and the conditions upon which a resident may terminate his residency. A statement as to what portion of the entrance fee shall be returned under each condition shall also be included.

(e) Describe conditions required for a person to continue as a resident.

(f) Describe any conditions under which a person delinquent in his periodic payments may remain and if there is a specific time limit.

(g) State the entrance fees and periodic payment changes that may occur if a resident marries or if a spouse joins a resident. It shall also state the fee changes that may occur if either one of the 2 people who occupy the same living unit dies or otherwise leaves that living unit.

(h) Describe the terms and conditions under which a provider or a resident may cancel an agreement for continuing care. The contract shall also state that 60 days' notice of cancellation must be given, except that a written medical finding by 2 doctors that a resident is a danger to himself and others shall require only reasonable notice.

(i) Describe in clear detail all the terms under which a contract is cancelled upon the departure or death of a resident.

(j) State whether the entrance fees are earned by the provider at the death of the resident, turned over to the estate of the resident, or the formula for calculating a combination of both.

(k) Describe the conditions under which periodic payments may change. The contract shall state that a 60-day notice is required before a change in periodic payments shall take effect, except those periodic payments required by federal or state assistance programs.

(l) State that periodic payments for care paid in a lump sum shall not be changed during the period covered, unless the resident is receiving federal or state assistance and the change is mandated by those programs.

(m) Provide a period of 10 days during which a prospective resident may cancel a contract and have his deposit returned and that there is no requirement to move in during those 10 days.

(n) Provide that within the 10 days under subparagraph (m) the provider shall make a full refund of all money, securities, goods, or property tendered by the prospective resident, except for any non-refundable initial application fee of \$250 or less and any payments for actual services or goods provided to the prospective resident.

(o) Provide for full refund, except any initial non-refundable application fee of \$250 or less, if, before occupancy, death occurs or if there is a medically certified incapacity to move in.



II. No contract issued pursuant to this section shall allow dismissal of a resident prior to the end of a contracted period, except for just cause in written form or if 2 doctors, one of whom is not an employee or associated with the facility, find that the resident is a danger to himself or to others. The commissioner or his designee shall intervene prior to a dismissal if so requested by the resident. If the commissioner, does not intervene, the minimum refund shall be all prepaid periodic payments plus the entrance fee as if the resident had died. The commissioner, in his capacity as the intervenor, may order the return of the full amount or a portion of the entrance fee or take any other necessary action on behalf of a resident if he finds that a resident is being or has been unjustly dismissed.

420-D:13 Waiver Prohibited. No provider, resident, or person acting for a resident may waive any provision of this chapter. Contracts entered into prior to January 1, 1988, are valid and binding. However, any changes made to such contract on or after January 1, 1988, shall conform to all provisions of this chapter.

420-D:14 Right to Organize and to Obtain Outside Consultation.

I. All residents have the right to self-organize, the right to be represented by an individual of their own choice and the right to engage in concerted activities for their own purposes. They shall have the right both individually and severally to obtain outside advice and consultation of their own choosing on any matter, including, but not limited to medical, legal, and financial matters.

II. A provider shall hold meetings at least once each quarter of the year with residents. The meetings shall be for the purpose of providing a forum for free and open discussion of any point either wishes to discuss. The provider shall hold additional meetings if requested by an organization initiated under this section. The manager of a facility shall be present at such meetings, and the organization may also request that an owner, partner, director, or other official of the provider operating the facility be present. Residents shall be given at least 2 weeks' notice of each such meeting.

420-D:15 Rehabilitation or Liquidation.

I. The commissioner may, if it is in the best interest of the residents, petition the appropriate court to appoint a trustee to rehabilitate or liquidate a facility. Such rehabilitation or liquidation shall occur only if the commissioner finds, after proper notice and hearing, any of the following:

(a) That a provider is insolvent or bankrupt or in danger of becoming insolvent or bankrupt.

(b) That a provider has failed to maintain required liquid reserves under RSA 420-D:8.

(c) That any part of the reserve fund escrow amount under RSA 420-D:10 has been or is about to be released.

(d) That a provider has been or is about to become unable to meet the cash flow or income projections for the period.

II. A rehabilitation order shall authorize the commissioner, or the trustee, to take possession of the property of the provider, including all facilities owned by the provider within the state, to operate, including the employment or discharge or any facility employees as he may determine necessary, and to manage and take other measures the court may direct as necessary. The commissioner, trustee, provider, or the court on its own motion may petition for removal of a rehabilitation order and return the management of the facility to the provider, if the provider demonstrates that the objectives of the original order have been met and that no further jeopardy to the residents exists.

III. If attempts to rehabilitate the facility fail, the commissioner may apply to the court for an order to liquidate. A liquidation order, however, shall not require a prior rehabilitation order. An order to liquidate shall automatically revoke the certificate of authority for all facilities of the provider and shall include an order to liquidate all facilities owned by such provider.



IV. In applying for an order to rehabilitate or liquidate, the commissioner shall consider the best interests of the residents who have contracted for continuing care at the facility. The proceeds of liquidation shall be paid to other providers as full or partial entrance fees for the affected residence or shall otherwise be used on behalf of the residents of the facility being liquidated. Except as provided in paragraph V of this section, in the event of liquidation, all continuing care agreements with a provider shall be deemed preferred claims against the assets of the provider.

V. A provider may avoid a rehabilitation order by posting a bond in an amount which is satisfactory to the commissioner. The bond shall be from a maker in this state who is acceptable to the commissioner and be in favor of the commissioner on behalf of those entitled to refunds or damages. It shall be in an amount sufficient to cover any refunds due the residents plus other amounts as determined necessary by the commissioner to protect the residents. Nothing in this section shall be construed to impair the priority, with respect to the lien property, of mortgages, security agreements, lease agreements, or installment sales agreements on property not otherwise encumbered which has been entered into by a provider with an issuer of bonds or notes and bonds which are secured by a resolution, ordinance, or indenture of trust if such mortgages or agreements were duly recorded at least 4 months prior to the institution of liquidation proceedings.

420-D:16 Rulemaking. The commissioner shall adopt rules pursuant to RSA 541-A and after public hearing, relative to:

I. Procedures for application for a certificate of authority under RSA 420-D:2.

II. Procedures for issuing a temporary certificate of authority and what constitutes extenuating circumstances under RSA 420-D:2.

III. Any application fees required under RSA 420-D:2.

IV. Procedures and fees for the renewal process under RSA 420-D:3.

V. Manner of filing and any other information to be contained in the disclosure statement required under RSA 420-D:4.

VI. Procedures for revocation or suspension of a certificate of authority under RSA 420-D:5.

VII. Procedures for hearings and notice requirements under RSA 420-D:2, RSA 420-D:5, 420-D:15 any other appropriate provision of this chapter.

VIII. Manner of filing and other information to be contained in the annual report required in RSA 420-D:7.

IX. The definition of major changes under RSA 420-D:7, II (c).

X. The definition of liquid reserves as required under RSA 420-D:8.

XI. Escrow conditions for liquid reserves under RSA 420-D:8.

XII. Procedures for obtaining and extending liens under RSA 420-D:9.

XIII. Procedures for placing entrance fees in escrow accounts and for releasing such fees under RSA 420-D:9.

XIV. The manner and content of all forms required under this chapter.

XV. What shall constitute just cause for dismissal under RSA 420-D:12, II.

XVI. A schedule of fees to cover the costs of administering this chapter.

XVII. Any other matter necessary to the administration of this chapter.

420-D:17 Dividends. A provider subject to this chapter shall obtain prior approval from the commissioner before declaring and distributing any dividends or funds or other assets to owners.

## 420-D:18 Advisory Council Established.

1. There is hereby established an advisory council on continuing care. The advisory council shall consist of the following 9 members to be chosen from different geographic locations within the state and 3 ex officio members:

(a) The insurance commissioner or his designee who shall serve ex officio;

(b) The director of the division of elderly and adult services, department of health and human services, or his designee who shall serve ex officio;

(c) The ombudsman of the office of the ombudsman, department of health and human services, or his designee, who shall serve ex officio;

(d) Two members who are administrators of facilities which have held valid certificates of authority for at least 3 years under this chapter; provided that initially and until January 1, 1991, one or more may be managers of existing life care communities or managers of newly organized life care communities. Before these initial appointments shall be made the commissioner shall advise the governor that to the best of his knowledge the facilities they manage will have the ability to meet the requirements of this chapter;

(e) A representative of the business community who has demonstrated expertise in the area of management.

(f) A representative of the financial community who is not and never has been a facility owner or administrator or related to one.

(g) A certified public accountant;

(h) An attorney who is not and never has been a facility owner, adviser, or administrator or who is related to one; and

(i) Three public members, at least one of whom must be a life care community resident.

The members in subparagraphs (d) through (i) shall be appointed by the governor with approval of the council on or before April 1, 1988. The term of office of each member appointed by the governor and council shall be 3 years and until his successor is appointed and qualified. The governor shall stagger the terms of the initial appointments to the council so that 1/3 of such appointments shall expire after one year for the first 3 years. Vacancies shall be filled in the same manner and for the unexpired terms. Each member of the advisory council shall be reimbursed for necessary travel and other necessary expenses.

II. Each prospective council member shall submit a statement to the governor detailing any financial interest of 10 percent or more in any life care facilities, including, but not limited to, ownership interest in a facility, or in a firm owning or managing a facility, property leased to a facility, and ownership in any firm or organization providing goods or services to a facility. This statement shall include the name and address of each facility and the extent and character of the financial interest of the applicant. If the applicant is appointed an advisory council member, this statement shall become a public document subject to RSA 91-A.

## III. The council shall:

(a) Meet within 30 days after appointment and elect a chairman and secretary who shall serve for one year or until a successor is elected.

(b) Hold an annual meeting and such other meetings at times and places as the commissioner or the chairman deems necessary.

(c) Keep a record of its proceedings. The books and records of the council shall be prima facie evidence of all matters reported therein and shall be open to inspection by the public at reasonable times.

(d) Act in an advisory capacity to the commissioner and members of the department of insurance.

(e) Recommend to the commissioner necessary changes in statutes and rules.

(f) Upon request of the commissioner, assist in the rehabilitation of life care facilities.

420-D:19 Civil Liability.

1. In the following circumstances, a provider or his agent shall be liable for damages, entrance fees with any accrued interest, and attorneys' fees, plus any other fees paid in advance of receipt of services:

(a) If he enters into contracts for continuing care for a facility that does not have a certificate of authority under this chapter;

(b) If he did not deliver a disclosure statement before entering into a contract; or

(c) If a disclosure statement is misleading and induces acceptance of a contract for continuing care or induces payment of any money or transfer of anything of value by a resident or prospective resident.

II. Negligent misrepresentation or omission shall not preclude recovery under this section.

III. An action pursuant to this section may be avoided if the provider, upon written approval of the commissioner, makes a good faith offer to refund all fees and costs listed in paragraph I. Failure of a resident to accept such an offer within 60 days shall preclude further action by such resident. Any action brought pursuant to this section shall be in accordance with applicable state law. An action brought under this chapter shall not limit the liability of the provider under other state laws. A private party shall not be liable by implication unless expressly permitted under this chapter.

420-D:20 Investigations; Subpoenas. The commissioner may make such investigations as he deems necessary both within and outside the state. For the purpose of any investigation or proceeding under this chapter, the commissioner may administer oaths, subpoena witnesses, compel attendance, take evidence and require the production of necessary material. All actions may be enforced by any court having jurisdiction. The records of any active investigation and the records necessary to complete such an investigation are confidential and shall not be subject to public inspection under RSA 91-A for as long as reasonably necessary to complete the investigation.

420-D:21 Records and Assets to be Kept Within State. All records and assets shall be established and kept in the state of New Hampshire and shall not be removed from this state by a provider or his agent unless agreed to in writing by the commissioner prior to such removal. The commissioner shall consent to such removal only if the provider submits satisfactory evidence that the removal will facilitate a more economical operation and will not diminish the service or protection given to the residents remaining in this state. The commissioner may order the return of the records and assets if such return is in the best interests of the residents or of the state.

420-D:22 Audits. The commissioner or his agent shall audit the books and records of a facility subject to this chapter at least every 3 years and more frequently if deemed necessary.

420-D:23 Cease and Desist Orders. If it appears that any person subject to this chapter has or is about to engage in acts violating this chapter or any rule adopted pursuant to it, the commissioner may issue an order to cease and desist and bring court action to enforce compliance or enjoin such action. Upon proper request, a court may issue a permanent or temporary injunction, restraining order, or writ of mandamus, and a receiver or conservator may be appointed for the defendant or the defendant's assets. The commissioner shall not be required to post bond.

420-D:24 Fees. The commissioner shall charge providers subject to this chapter a fee for services rendered it by the department of

insurance. The fees shall be established and adopted by rule under RSA 541-A and shall be sufficient to recover the cost of administering this chapter.

420-D:25 Criminal Penalties. Any person, partnership, association or corporation, including state or county or local governmental units or any division, department, board or agency thereof establishing, conducting, managing, or operating any facility within the meaning of this chapter, without first obtaining a certificate as provided in this chapter, or who violates any rule adopted under this chapter, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Nothing in this section shall preclude any other action at law against such person.

HB 599, relative to notification of termination of service by a public utility. Ought to Pass with Amendment.

This bill, amended with new title, covers a condition existing in mobile home parks or campgrounds concerning sub-metering - Public Utilities Commission concurred in amendment. Vote 16-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to submetering by master metered utility customers

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Definition of Terms; Utilities; Submetering. Amend RSA 362 by inserting after section 3 the following new section:

362:3-a Sale; Submetering. The term "sale" shall not include submetering for the purpose of calculating reimbursable amounts among submeter users, provided that reimbursable amounts to be distributed pro rata among submeter users do not exceed the total amount charged by the utility to the master metered customer, and that such submeters shall remain subject to the jurisdiction of the commission for the purposes of meter accuracy, safety, and consumer complaints.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

The bill, as amended, defines the term "sale" for purposes of public utility billing procedures to exclude certain submetering practices.

HB 653-FN, relative to third party payments for health services. Inexpedient to Legislate.

After a 3-1/2 hour hearing the Committee felt that the issue should be addressed at the federal level. Vote 16-0. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

HB 680-FN, prohibiting certain computer telephone calls to residences. Re-Refer to Committee.

The Committee felt that the Committee should go along with the recommendation of the Public Utilities Commission and industry analysts for re-referral. The Public Utilities Commission is setting up a docket for the study of the problem. The Public Utilities Commission, and the industry, support the intention, but would like to wait for the results. Vote 16-0. Rep. Michael H. Carpenito for Commerce, Small Business and Consumer Affairs.

HB 397, changing the time for counting absentee ballots. Ought to Pass with Amendment.

This bill gives the moderator the authority to count absentee ballots before the polls close and makes it mandatory to post the time the ballots will be counted. Vote 11-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

changing the time for counting absentee ballots and requiring the posting of the time for commencement of counting absentee ballots.

Amend the bill by replacing section 1 with the following:

1 New Section; Counting Absentee Ballots. Amend RSA 659 by inserting after section 49 the following new section:

659:49-a Option to Count Absentee Ballots Before Closing of Polls.

I. At the direction of the moderator, absentee ballots may be counted before the closing of the polls. If absentee ballots are counted before the closing of the polls, the moderator shall exercise his option under RSA 659:49, and the absentee ballots shall be processed and then counted immediately following their processing.

II. If the option to count absentee ballots is exercised by the moderator under this section:

(a) Counting shall begin no later than 3:00 p.m., at which time the processing shall also begin; and

(b) The time for commencement of counting absentee ballots shall be posted by the moderator at each polling place with the warrant in accordance with the notice provisions of RSA 658:1 and 655:12.

III. The counting of absentee ballots shall be done by the election officials, except those disqualified under RSA 659:58, under the supervision of the moderator. The final count of absentee ballots shall not be announced before the polls close, and shall be announced as provided in RSA 659:70.

#### AMENDED ANALYSIS

This bill gives a moderator the authority to direct that absentee ballots may be counted before the polls close. If this option is exercised, counting shall begin no later than 3:00 p.m. The final count of absentee ballots shall not be announced before the polls close.

As amended, if the moderator exercises this option to count absentee ballots, the time for commencement of counting absentee ballots must be posted by the moderator at each polling place with the warrant.

HB 473, relative to the recall of local officials. Inexpedient to Legislate.

This recall bill has a great deal of merit; it also has many mistakes and needs input from local officials as only the sponsor testified. Vote 12-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 500, to revive the charter of the First Church (Congregational) in Jaffrey. Ought to Pass.



This bill revives the charter of the First Congregational Church in Jaffrey after all requirements have been met. Vote 11-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 701-FN, relative to the fee charged for copies of checklists. Ought to Pass with Amendment.

Current law permits supervisors of the checklist to charge a reasonable fee for copies of checklists. This bill, as amended, specifies the fee not to exceed \$25 per copy of the checklist or \$.25 per page whichever is the greater. The bill also specifies that the copies of the checklist will be for the most recent election. Vote 11-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

#### Amendment

Amend RSA 654:31 as inserted by section 1 of the bill by replacing it with the following:

654:31 Availability of Checklist. The checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. [After each state election, the] The supervisors shall furnish one or more copies of the checklist used in [that] the most recent election to any person requesting such copies. If the supervisors maintain or have access to the checklist or information from which the checklist was derived in more than one form, the person requesting copies shall be furnished copies in any of those forms according to his preference. The supervisors may charge a reasonable fee for copies, [and] not to exceed \$25 per copy of the checklist or \$.25 per page, whichever is greater. The fee shall be for the use of the town or city.

#### AMENDED ANALYSIS

Current law permits supervisors of the checklist to charge a reasonable fee for copies of the checklist.

This bill, as amended, specifies the fee which a supervisor may charge for copies of the checklist to be a fee not to exceed \$25 per copy of the checklist or \$.25 per page, whichever is greater.

The bill also specifies that the copies of the checklist are available for the most recent election, rather than after each state election.

HB 64, requiring direct notification of certain persons of public hearings on location of solid and hazardous waste disposal sites. Inexpedient to Legislate.

Issues raised in this bill will be considered through the re-referral of HB 207. Vote 14-0. Rep. Barbara B. Bowler for Environment and Agriculture.

HB 207-FN, prohibiting the transfer of a permit to operate a solid or hazardous waste disposal site without a public hearing. Re-Refer to Committee.

The Committee will address issues raised in HB 64 and HB 223 along with the subject matter in HB 207. Subjects included are notice of abutters, full disclosure of ownership, and criteria for permitting. Vote 15-0. Rep. Alfred P. Sawyer for Environment and Agriculture.

HB 223, relative to hazardous waste operator permits. Inexpedient to Legislate.

There were several bills dealing with this subject. HB 207 has been re-referred to the Committee on Environment and Agriculture and the subject will be dealt with in that bill. Vote 15-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 388, relative to siting of low-level radioactive waste disposal facilities. Re-Refer to Committee.

This question is being addressed on almost one-half of the town warrants, and the Committee would like to have the input of the vote before making a decision. Vote 17-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

HB 391, creating a division of agricultural development in the department of agriculture using currently available funding and personnel. Ought to Pass.

This bill was requested by the Department of Agriculture. After study it was determined this restructuring will benefit the department. No additional funds required. Vote 18-0. Rep. Malcolm W. Harrington for Environment and Agriculture.

HB 496, relative to the regulation and restoration of excavations which existed on or before August 24, 1979. Re-Refer to Committee.

This bill should be studied as it involves a potentially serious problem. The Committee last worked on this subject ten years ago and it needs to be updated. Vote 19-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 575-FN, relative to certification standards for laboratories. Ought to Pass.

This is a voluntary certification for laboratories engaged in testing for hazardous waste. This is a request of the Division of Water Supply and Pollution Control, and Division of Waste Management. It will increase state revenue. Vote 16-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Referred to Appropriations.

HB 639-FN, relative to certification of soil scientists. Re-Refer to Committee.

Several technical questions have been raised which require study, but the Committee feels strongly that soil scientists should have some way to be certified. Vote 18-0. Rep. Frank A. Tupper for Environment and Agriculture.

HB 647-FN, relative to specific air pollution emissions standards and controls. Inexpedient to Legislate.

While the Committee recognizes the problem the sponsors are attempting to correct, it was felt that HB 364 more than adequately addresses the problem by establishing an air toxic control program and making the needed appropriation. In addition, more study needs to be done on fly ash before it can be classified as hazardous waste. This issue is sure to be addressed in future legislation when the Environmental Protection Agency completes its studies. Vote 16-0. Rep. Mary J. Shriver for Environment and Agriculture.

Rep. Wright abstained from voting under Rule 16.

HB 685-FN, deferring payments for assessments made for municipal betterments benefiting land classified as open space land. Re-Refer to Committee.

The Committee agrees this bill addresses a serious concern affecting the retention of open space. However, the adverse impact upon other property owners needs to be resolved. Vote 17-0. Rep. John L. Sherburne for Environment and Agriculture.

HBI 2014, relating to New Hampshire compliance with amendments to the comprehensive Environmental Response, Cleanup and Liability Act. Inexpedient to Legislate.

The Committee feels confident that the agencies will keep it informed of any needed legislation required to conform with the National CERCLA statute. Vote 17-0. Rep. Alfred P. Sawyer for Environment and Agriculture.

HBI 2015, relating to toxic waste prevention. Inexpedient to Legislate.

The substance of this bill of intent will be covered in other toxic waste bills before this Committee. The Committee is earnestly trying to solve all problems relating to toxic and hazardous waste. Vote 16-0. Rep. Elizabeth M. Popov for Environment and Agriculture.

HB 291, relative to cosmetology. Ought to Pass.

This bill addresses the problem of legalizing the practice of cosmetologists performing their trade services in a place other than their licensed salons. Many people in our society, invalids, the handicapped, or the aged cannot leave their place of residence. Under present law, the cosmetologist cannot go to private residences to perform their services. This bill removes that impediment. Vote 14-1. Rep. David M. LaMar for Executive Departments and Administration.

HB 537-FN, relative to regulation of the practice of nursing.

Re-Refer to Committee.

House Bill 537 contains substantial changes in the Nurse Practice Act. The Committee feels the bill should be addressed carefully and in depth. Vote 15-0. Rep. Ann M. Torr for Executive Departments and Administration.

HB 576-FN, relative to workers' compensation lump sum payments and state retirement benefits. Ought to Pass.

When a New Hampshire Retirement System member retires on a disability allowance, and also receives an allowance under Workers' Compensation, the Workers' Compensation allowance is deducted from the Retirement System Benefit. Sometimes, however, Workers' Compensation negotiates a lump-sum settlement instead of paying an allowance, and these lump-sum settlements are also offset against retirement benefits and may wipe out the retirement benefit for years. This bill exempts Workers' Compensation lump-sum payments from offsetting New Hampshire Retirement System disability benefits, and so restores what was the customary practice of the trustees for many years. Vote 15-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

Referred to Appropriations.

HB 629-FN, relative to the administration and investments of the New Hampshire retirement system. Ought to Pass with Amendment.

This bill was requested by the Retirement System Board of Trustees. As amended, it expands the investment options available to the trustees and authorizes them to engage legal counsel not provided by the Attorney General's Office. The amendment deletes a provision that would have removed the Retirement System from the audit authority of the Legislative Budget Assistant and allows the trustees to order audits at their discretion. It also deletes, at the trustees' request, a provision relating to fiduciary insurance. Vote 15-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

## Amendment

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Legal Counsel. Amend RSA 100-A:15 by inserting after paragraph III the following new paragraph:

IV The board of trustees is authorized to engage the services of legal counsel for special investment and other legal advice required by the retirement system and not provided by the department of justice. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

Amend the bill by deleting section 1 and renumbering sections 2 - 4 to read as 1, 2, and 3 respectively.

## AMENDED ANALYSIS

As amended, this bill authorizes the New Hampshire retirement system board of trustees to engage the services of legal counsel for special investment and other legal advice not otherwise provided by the department of justice. Compensation for such services are a charge upon retirement system funds.

The bill also gives the board of trustees the additional power to invest retirement system funds in stock options, financial futures, and international investments.

Referred to Appropriations.

HB 630-FN, relative to the reduction in benefits for group I members of the New Hampshire retirement system who retire before age 60. Ought to Pass with Amendment.

Under present law, a group I member with at least ten years service may retire early (between the ages of 50 and 60) but takes a penalty in the form of reduced retirement allowance. This bill reduces that penalty for members who retire with twenty or more years of service. The amendment makes technical corrections and also provides that the added cost for members now in the system shall be funded from the special account. Vote 15-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

## Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Group I Member Benefits. Amend RSA 100-A:5, I(c) to read as follows:

(c) Notwithstanding any other provision of law, any group I member who meets the requirements of RSA 100-A:10, I(a), and who has attained the age of 50, but not the age of 60, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced by {5/9 of one percent for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age} 1/4 of one percent per month after 30 years of service, 1/3 of one percent per month after 25 years of service, 5/12 of one percent per month after 20 years of service, and 5/9 of one percent per month for less than 20 years of service.

2 Application. The additional benefits provided in section 1 of this act shall apply prospectively to group I members of the retirement system who retire on or after July 1, 1987.

3 Funding. Notwithstanding any provision of RSA 100-A:16, II(h) to the contrary, the total actuarial cost of providing the additional benefits provided in section 1 of this act to all persons who are group I members of the retirement system as of June 30, 1987, shall be terminally funded from the special account created by RSA 100-A:16, II(h). The actuarial cost of providing such additional benefits to persons who become group I members on or after July 1, 1987, shall be funded as provided in RSA 100-A:16, II(c) through (e).

4 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

As amended, this bill changes the reduction in the service retirement allowance which a group I member receives who is at least 50 but not 60 years of age so that his service retirement allowance is reduced as follows:

- (1) 1/4 of one percent per month after 30 years of service.
- (2) 1/3 of one percent per month after 25 years of service.
- (3) 5/12 of one percent per month after 20 years of service.
- (4) 5/9 of one percent per month for less than 20 years of service.

Funding for the additional benefits for current group I members is terminally funded from the special account created by RSA 100-A:16, II(h), and funding for persons joining group I after July 1, 1987, shall be as provided under present law.

Referred to Appropriations.

HB 674-FN, relative to accidental disability benefits for New Hampshire retirement system members. Ought to Pass with Amendment. This bill adds the occurrence of "repeated trauma or gradual degeneration" while in the actual performance of duty to the occurrence of the accident at a definite time and place as reasons for allowing accidental disability retirement. The amendment requires the trustees to adopt rules for determining when "repeated trauma or gradual degeneration" occurs. Vote 14-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

#### Amendment

Amend RSA 100-A:6, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Upon the application of a group I member in service or of his employer, any such member who has been totally and permanently incapacitated for duty either as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, or as the natural and proximate result of repeated trauma or gradual degeneration occurring while in the actual performance of duty, without wilful negligence on his part, may be retired by the board of trustees on an accidental disability retirement allowance; provided that he is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent.

Amend RSA 100-A:6, II(c) as inserted by section 2 of the bill by replacing it with the following:



(c) Upon the application of a group II member in service or of his employer, any such member who has been totally and permanently incapacitated for duty either as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, or as the natural and proximate result of repeated trauma or gradual degeneration occurring while in the actual performance of duty, without wilful negligence on his part, may be retired by the board of trustees on an accidental disability retirement allowance; provided that he is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent.

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Rulemaking Authority. Amend RSA 100-A:6 by inserting after paragraph III the following new paragraph:

IV. The board of trustees shall adopt rules, pursuant to RSA 541-A, relative to the determination of the occurrence of repeated trauma or gradual degeneration for the purposes of RSA 100-A:6, I(c) and II(c).

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill adds an additional provision to accidental disability retirement allowances for group I and group II members of the New Hampshire retirement system, by providing that such allowances are available to group I and group II members who become totally and permanently incapacitated for duty as the natural and proximate result of repeated trauma or gradual degeneration while on the job, rather than as the result of an accident occurring at some definite time and place.

As amended, the bill also requires the New Hampshire retirement system board of trustees to adopt rules relative to the determination of the occurrence of repeated trauma or gradual degeneration occurring while in the actual performance of duty for the purposes of accidental disability retirement allowances.

Referred to Appropriations.

HB 683-FN, relative to state employee benefits. Ought to Pass with Amendment.

This piece of legislation is an embarrassment. After studying this issue and listening to the testimony, it is difficult to imagine why we have not favorably reacted to this need before now. Two hundred and sixty-seven State Employees are working between 30 to 37 hours weekly without health insurance coverage. New Hampshire has too much class to permit this injustice to continue. For this reason your Executive Departments and Administration Committee has voted that this legislation Ought to Pass With Amendment. Vote 11-4. Rep. Theodore J. Cusson, Sr. for Executive Departments and Administration.

#### Amendment

Amend RSA 98-A:6, II as inserted by section 1 of the bill by replacing it with the following:

II. Except as provided in paragraph I, an individual whose employment regularly calls for 30 hours or more in a normal calendar week shall be considered to be working as on a full-time basis for the purpose of receiving all employee benefits except retirement benefits.

Amend the bill by replacing section 3 with the following:

3 New Subparagraph; Rulemaking Authority; Director of Personnel; Regular Employment. Amend RSA 21-I:43, II by inserting after subparagraph (u) the following new subparagraph:

(v) What constitutes regular employment for the purposes of RSA 98-A:6, II.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, requires that a part-time state employee whose employment regularly calls for 30 hours or more in a normal calendar week shall be considered to be working as on a full-time basis for purposes of receiving all employee benefits except retirement benefits.

This bill, as amended, provides that the director of personnel, department of administrative services, shall adopt rules concerning what constitutes regular employment for the purposes of this bill.

Referred to Appropriations.

HB 696-FN, relative to interest payment calculations under the New Hampshire retirement system. Ought to Pass with Amendment.

A retirement system member who leaves the system before becoming eligible for retirement has the option of withdrawing accumulated member contributions with interest. Under the present practice, the member may lose almost a full year's interest because it is credited only once a year. This bill provides that the interest must be compounded and paid to the time of termination. The amendment clarifies the intent of the bill. Vote 15-0. Richard H. Campbell, Jr. for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Interest from State Annuity Accumulation Fund. Amend RSA 100-A:16, II(g) to read as follows:

(g) All interest and dividends earned on the funds of the retirement system shall be credited to the state annuity accumulation fund. The board of trustees [annually] shall allow interest at such rate or rates as it shall determine from time to time on the individual accounts of members in the member annuity savings fund and shall annually transfer such interest amount from the state annuity accumulation fund. Such interest shall be compounded monthly or more frequently as the board of trustees may determine and shall be allowed to the date of processing upon termination of active service for any reason including withdrawal, retirement, or death.

#### AMENDED ANALYSIS

As amended, this bill requires the New Hampshire retirement system board of trustees to annually transfer the interest amount from the state annuity accumulation fund. Such interest shall be compounded monthly or more frequently as the board or trustees may determine and shall be allowed to the date of processing upon termination of active service for any reason including withdrawal, retirement, or death.

Referred to Appropriations.

HB 432, authorizing licensed practical nurses to administer medication to inmates of correctional institutions. Re-Refer to Committee.

This bill "puts a finger in the dike" rather than looking at the best possible health care for those it is designed to serve (prisoners). If Licensed Practical Nurses were permitted to give medications serious side effects might occur as well as setting precedents for other health care facilities. It was re-referred on a vote of 15-6 to enable county jail administration, county nursing home administration, and the New Hampshire Board of Nursing and Registration to confer and make recommendation, without incurring potential litigation, for staff if required to give medications. Note is made of the death of a prisoner at Merrimack County Jail within the last six weeks. The final report is not yet available. Vote 21-0. Rep. Katherine D. Foster for Health and Human Services.

HB 435-FN, creating a committee to study head injuries in New Hampshire. Ought to Pass with Amendment.

This bill establishes a committee to collect and study information relative to head injuries in New Hampshire. It will determine measures to provide transitional housing for clients of State rehabilitation programs, determine methods of providing training programs for State rehabilitation personnel and make recommendations for further legislation. The amendment adds a consumer and the Director of Mental Health to the committee. Vote 19-0. Rep. Toni Pappas for Health and Human Services.

#### Amendment

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. The members of the committee shall be:

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) One member from the governor's commission on the handicapped.
- (d) The director of the division of vocational rehabilitation or his designee.
- (e) Three non-legislative persons whose work involves the treatment of head injuries, appointed by the governor.
- (f) The director of mental health and developmental services or his designee.
- (g) One public member, appointed by the governor.

HB 534-FN, relative to patients' entitlements. Inexpedient to Legislate.

This bill would legislate many requirements dealing with hospitals, nursing home and sheltered care facilities. The Committee was unanimous in the opinion that many parts of this bill would place undue hardships on these facilities which are badly needed for the care of elderly patients. Vote 18-0. Rep. Robert F. Wilson for Health and Human Services.

HB 541-FN, relative to developmentally disabled persons. Ought to Pass.

This bill corrects what appears to have been a drafting error that occurred when the Legislature adopted the definition of developmental disability in 1979. The definition in this bill would conform the State definition to the former Federal definition. It focuses the

resources of the Division of Mental Health and Developmental Services on persons with serious disabilities arising in the developmental period. Vote 19-0. Rep. Marion L. Copenhaver for Health and Human Services.

HB 545, establishing a task force on homelessness. Ought to Pass. This bill establishes a task force to study the problem of homelessness in New Hampshire. The task force duties include assessing the current situation and developing recommendations to solve the problem. The advisory task force will consist of 7 members and will report by December 1, 1988. There is no appropriation. Vote 19-0. Rep. Guy R. Granger, Jr. for Health and Human Services.

HB 592-FN, relative to facilities licensed under RSA 151. Re-Refer to Committee.

The problem of attracting qualified employees for the unskilled positions in nursing homes is very serious. The Committee is aware of this, but needs more time to address the issue. This bill has some merit, but needs a lot of work. Vote 18-0. Rep. Marion L. Copenhaver for Health and Human Services.

HB 536-FN, relative to unemployment compensation maximum weekly benefits. Inexpedient to Legislate.

The so-called zero offset proposed in this bill is contained in HB 578. Vote 16-1. Rep. Maurice B. MacDonald for Labor, Industrial and Rehabilitative Services.

HB 577-FN, relative to employee leaves of absence for reserve training and public service. Re-Refer to Committee.

The Committee believed there was merit to the bill, especially the section concerning leaves of absence for military duty, but is concerned about the cost to employers and believes more time is necessary to investigate the potential cost. Vote 17-0. Rep. Leslie C. Nixon for Labor, Industrial and Rehabilitative Services.

HB 621-FN, relative to computation of wages for purposes of workers' compensation benefits. Re-Refer to Committee.

This bill would base Workers' Compensation on combined earnings. It has been discussed for nearly five years by the Workers' Compensation Advisory Council without any resolution. It is one of a trilogy submitted. Due to a Supreme Court Decision it needs more work. The cost of the bill has been estimated at \$57,000 extra in 1988 and \$52,000 extra each year thereafter. Vote 12-1. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

HB 622-FN, relative to actions against fellow employees. Re-Refer to Committee.

This, a second bill of a trilogy, which would prohibit co-employee suits in Workers' Compensation cases. Such suits have been approved by the Supreme Court. It needs further study. Vote 15-0. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

HB 34, permitting the state, counties, and municipalities to contract with private entities for the construction, operation, supervision, and maintenance of government-operated facilities. Inexpedient to Legislate.

The Committee feels that the intent of this bill is adequately covered by existing law. Vote 16-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 407-FN, amending the way in which the town of Londonderry shall collect its taxes for fiscal years 1987-1994. Ought to Pass with Amendment.

This bill will assist the town of Londonderry solve cash flow problems as a result of previous legislation. Vote 16-0. Rep. George M. West for Municipal and County Government.

#### Amendment

Amend the bill be replacing section 1 with the following:

1 Prepaid Property Tax Account. Amend 1983, 189:5, III as inserted by 1986, 6:1 to read as follows:

III. Notwithstanding any other provision of law to the contrary, the taxes for each of the fiscal years ending June 30, 1987, June 30, 1988, June 30, 1989, June 30, 1990, June 30, 1991, and June 30, 1992, equal to the amount raised and appropriated by the town meeting for 1986, 1987, 1988, 1989, 1990, [or] and 1991, respectively, to defray expenses for the operation of the town, county, and school district at a rate as determined by the department of revenue administration for each of the fiscal years ending June 30, 1987; June 30, 1988; June 30, 1989; June 30, 1990; June 30, 1991; and June 30, 1992[;], shall be multiplied by a factor of 109.23 percent. The purpose for using this formula shall be to collect a total of 13 months of taxes for each 12 month fiscal year during this 6-year period. [The town of Londonderry shall place 9.23 percent of the funds raised under this taxation procedure in a separate reserve account entitled prepaid property taxes. The funds in this separate reserve account shall not be available for any current year appropriation purposes, but instead shall be used for appropriated purposes in the fiscal year immediately following the year in which they were collected.] At the close of each fiscal year, the town of Londonderry shall add to a balance sheet account entitled prepaid property taxes, 9.23 percent of that year's property tax commitment, ensuring that the amount of taxes deferred in the balance sheet account entitled prepaid property taxes shall equal 9.23 percent of the sum of the property tax commitments, starting with the 1986 base year up to and including the fiscal year being closed. The tax rate for the year ending June 30, 1993, shall be reduced by the balance in the prepaid property tax account established in the preceeding 6 years which shall result in a 6 month tax rate and collected in total in a single, December 1992 tax bill. For the fiscal year ending June 30, 1994, the July 1 tax bill shall be considered the first tax bill of the year and a partial payment of the total years taxes assessed on April 1, 1993, and shall be computed by taking the prior year's assessed valuation times 100 percent of the previous year's tax rate; provided, however, that whenever it shall appear to the selectmen or assessors that certain individual properties have physically changed in valuation, they may use the current year's appraisal times 100 percent of the previous year's tax rate to compute the partial payment. For the fiscal year ending June 30, 1995, the town shall be in compliance with RSA 76:15-a.

HB 497, establishing a committee to study granting municipalities the option of setting their own tax rates. Ought to Pass with Amendment.

The Committee unanimously agreed that it is time to consider a change and the Committee is the correct vehicle to study that change. Vote 17-0 Rep. Ruth E. Gage for Municipal and County Government.

#### Amendment

Amend paragraphs II and III of section 1 of the bill by replacing them with the following:

11. The members of the committee shall be as follows: 2 members appointed by the governor with the advice and consent of the council, one of whom shall be designated by the governor as chairman of the committee;



2 members appointed by the New Hampshire Municipal Association; 2 members appointed by the New Hampshire Association of School Boards; one member appointed by the New Hampshire Association of Counties; the state treasurer; the commissioner of the department of revenue administration or his designee; one member appointed by the New Hampshire Tax Collectors' Association; one member appointed by the New Hampshire Assessors' Association; 2 members of the house of representatives appointed by the speaker of the house; and 2 members of the senate appointed by the president of the senate. Members of the committee shall receive no compensation for their services. The committee shall meet as often as it deems necessary.

III. The committee shall study all aspects of allowing municipalities to set their own tax rates, including, but not limited to, developing prerequisites and procedures for municipalities to elect this option, and considering the type and degree of participation or review by the commissioner and the department of revenue administration that would be appropriate in setting such rates. The committee shall submit its report and recommendations together with any proposed legislation on or before October 1, 1987, to the president of the senate and the speaker of the house.

#### AMENDED ANALYSIS

As amended, this bill establishes a committee to study all aspects of allowing municipalities to set their own tax rates. The committee must submit its report by October 1, 1987.

The members of the committee include: 2 members appointed by the governor with the advice and consent of the council, one of whom shall be designated by the governor as chairman of the committee; 2 members appointed by the New Hampshire Municipal Association; 2 members appointed by the New Hampshire Association of School Boards; one member appointed by the New Hampshire Association of Counties; the state treasurer; the commissioner of the department of revenue administration or his designee; one member appointed by the New Hampshire Tax Collectors' Association; one member appointed by the New Hampshire Assessors' Association; 2 members of the house of representatives appointed by the speaker of the house; and 2 members of the senate appointed by the president of the senate.

HB 564-FN, authorizing any city or town to issue revenue bonds.  
Re-Refer to Committee.

Long-range municipal finances will be studied under a House Bill of Intent. The Committee wishes to include the question of revenue bonding in that study. Vote 17-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 595, changing the time and place for holding the first meeting of the county convention. Ought to Pass.  
House Bill 595 will make the organization of County Delegations easier and less hectic. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

HB 604-FN, relative to compensation of sheriffs and deputy sheriffs ordered to attend the courts. Inexpedient to Legislate.  
It was the unanimous decision of this Committee to report House Bill 604 Inexpedient to Legislate in favor of House Bill 552. Vote 17-0. Rep. Barbara J. Baldizar for Municipal and County Government.

HB 649-FN, relative to required parks on plats and creating nonlapsing accounts for acquisition of property for recreational purposes.  
Inexpedient to Legislate.

The same subject matter is covered under House Bill 538. Vote 17-0.  
Rep. Kurt A. Normandin for Municipal and County Government.

HB 663-FN, legalizing action by the city of Franklin in adopting a budget and supplemental budget for an optional fiscal year and authorizing debt during the transition period. Ought to Pass.

The Committee feels that this bill is badly needed to assist the City of Franklin in its present dilemma. Vote 17-0. Rep. Eugene W. Clark for Municipal and County Government.

HB 706-FN, increasing the per diem allowance for county delegation meetings. Ought to Pass.

This bill is permissive legislation to allow the County Convention to increase its per day compensation to a sum not to exceed \$25. Vote 17-0. Rep. George M. West for Municipal and County Government.

HB 716, relative to the Salem town treasurer. Inexpedient to Legislate.

State law permits local option on this matter. Vote 17-0. Rep. Kurt A. Normandin for Municipal and County Government.

HB 717, relative to membership on planning boards. Ought to Pass.

The Committee was in unanimous support of House Bill 717. The analysis of this bill covers it very well. Vote 17-0. Rep. Barbara J. Baldizar for Municipal and County Government.

HCR 6, relative to the town of Centre Harbor. Inexpedient to Legislate.

Testimony shows that the town charter spells the name of the Town of Centre Harbor. The town voted at town meeting in 1980 (25-18) for the Centre spelling. The Committee does not believe that it is necessary to pass legislation. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

HR 18, relative to state authority over the national guard. Inexpedient to Legislate.

Until 1952, state governors had little or no authority to prevent the Federal Government from ordering National Guard units to participate in training exercises outside the United States, its territories and possessions. From 1952 to 1986, the National Guard units could train overseas, only with the concurrence of the Governor. However, the "Montgomery amendment" to Title 10, Section 672 of the US Code, adopted in October 1986, while removing the Governor's authority to concur in overseas training, permits Governors to retain specific control of the National Guard; namely, to keep the guard instate, in the event of possible "state or local emergency situation." The Governor of New Hampshire has stated that he is "very comfortable" with the Montgomery amendment.

As for the New Hampshire National Guard presence in Central America on training missions; each New Hampshire guard unit, and individual members, are afforded the opportunity to decline participation in training missions outside the United States. In two years of New Hampshire National Guard training exercises in Central America, no member has declined to participate, and since National Guard training exercises began in Central America in 1977, there is no record of death or injury to personnel.

It should be further noted, United States government policy is to prohibit Peace Corps volunteers from serving in areas of potential danger; with this in mind, on January 1st, 1987, Peace Corps volunteers were serving in Central America, in Honduras 192, in Guatemala 235, and in Costa Rica 192. Vote 11-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

HB 493-FN, establishing a committee to study the potential development of a state park in the Kona Wildlife Area in Moultonborough. Ought to Pass with Amendment.

The Committee agrees with the intent of this bill. The amendment broadens the representation on the study Committee to include a selectman from the town of Moultonborough and a public member representing conservation interests. Vote 18-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

#### Amendment

Amend section 1 of the bill by replacing it with the following:

1 Study Committee Established. There is established a committee to review the feasibility of developing and promoting the Kona Wildlife Area in the town of Moultonborough as a state park with beach facilities. The committee shall consist of 11 members as follows: 2 members of the house of representatives to be appointed by the speaker of the house; 2 senators to be appointed by the president of the senate; the commissioner of the department of resources and economic development, or his designee; the director of the division of parks and recreation or his designee; one member from the division of parks and recreation designated by the commissioner of the department of resources and economic development; the executive director of the department of fish and game, or his designee; one member of the board of selectmen of the town of Moultonborough, to be selected by such board; and 2 members of the general public to be appointed by the governor, one of whom shall represent the conservation interests of the state. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to business of the committee. The commissioner of the department of resources and economic development shall set the date and make the arrangements for the first meeting of the committee. The committee shall submit its findings and recommendations to the governor and council, the speaker of the house of representatives, and the president of the senate on or before December 1, 1987.

HB 203-FN, relative to the premature shutdown and decommissioning costs of any nuclear electric facility in New Hampshire. Re-Refer to Committee.

At the Committee hearing much testimony and feeling could be heard and whereas there presently exists a panel studying decommissioning charges, the Committee would like to bring this bill back for further study. Vote 8-0. Rep. Raymond H. Gourdeau for Science, Technology and Energy.

HB 523, relative to alternative energy purchased power recovery. Re-Refer to Committee.

The Committee feels that further study is a must, and that a possible amendment may be required to satisfy the needs of the small producer and Public Service Company of New Hampshire. Vote 8-1. Rep. Raymond H. Gourdeau for Science, Technology and Energy.

Rep. Wright abstained from voting under Rule 16.

HB 668-FN, relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities. Ought to Pass.

House Bill 668 relates to the bill passed last Session on payments in lieu of taxes of small power production and cogeneration. It makes possible the retention of a portion of the payment within the school district where the power plant is located. This bill is needed for

equity within the school district of Concord and the Merrimack Valley school district. Vote 10-0. Rep. Kenneth A. Randall for Science, Technology and Energy.

Rep. Wright abstained from voting under Rule 16.

HB 704-FN, relative to the safety of facilities gathering, transmitting, and distributing petroleum gas. Ought to Pass with Amendment.

The Committee felt there was a definite need for some kind of regulation of the petroleum gas operators. This bill seems to be the most appropriate means to insure that a disaster will not occur in the future, by using an already established commission, the Public Utilities Commission. Vote 9-0. Rep. John B. Hunt for Science, Technology and Energy.

#### Amendment

Amend RSA 374:3-a as inserted by section 2 of the bill by inserting after paragraph II the following new paragraph:

III. The public utilities commission shall adopt rules, pursuant to RSA 541-A, to carry out the provisions of this section and shall support the incremental cost of this program by an appropriate assessment to affected companies.

#### AMENDED ANALYSIS

The bill requires petroleum gas facilities to provide the same level of service and safety as other public utilities, and authorizes the public utilities commission to supervise such facilities. The bill authorizes the public utilities commission to recover any costs incurred in administering this program through an assessment of companies affected by the program.

The bill is a request of the public utilities commission.

HCR 3, relative to accidents involving nuclear power plants. Ought to Pass.

This concurrent resolution urges the United States to amend the Price-Anderson Act relative to liability for nuclear accidents. It is recommended that the liability financial caps be eliminated for accidents at commercial nuclear reactors, and for accidents involving the transportation, storage and disposal of nuclear waste. Vote 9-0. Rep. Frederic A. Foss for Science, Technology and Energy.

Rep. Sytek abstained from voting under Rule 16.

HBI 2012, relating to developing a comprehensive, long-range, coordinated state energy plan. Re-Refer to Committee.

The New England area and New Hampshire, in particular, face many questions relative to the mix, cost and usage of energy in the 1990s. A continuing effort of hearings and work sessions will help to better define the legislative role in this important energy planning process. Vote 9-0. Rep. Frederic A. Foss for Science, Technology and Energy.

HCR 4, relative to a National Housing Partnership Act. Ought to Pass. This resolution urges the United States Congress to enact a National Housing Partnership Act that will foster commitments from both public and private interests toward a concerted and unified effort involving the production and rehabilitation of affordable housing in the United States. Vote 12-0. Rep. Mary P. Chambers for State-Federal Relations.

HB 214-FN, relative to penalties for violations of motor vehicle laws by minors. Re-Refer to Committee.

This bill brings up many questions of a serious nature. The procedure for placing 16 and 17 year olds in county jails as adults would help to eliminate problems facing local police departments, but the arguments against such confinement have merit. Information given at the hearing indicated that more space may be made available at the Youth Development Center and other places. The Committee feels that the problem deserves further study and wishes to re-refer the bill to Committee. Vote 13-0. Rep. Richard L. Haynes for Transportation.

HB 585-FN, requiring emissions control inspections of motor vehicles. Re-Refer to Committee.

This bill has many ramifications and will require extensive study. The Department of Safety will become involved in implementing a start-up of work in the Nashua area this Fall in testing already ordered by previous legislation. The Committee recommended that much more time be planned to study the bill. Vote 13-0. Rep. George N. Katsakiores for Transportation.

HB 356-FN-A, establishing a real estate speculation capital gains tax. Inexpedient to Legislate.

This bill would establish a tax of up to 60% on profits from the quick sale of certain apartment buildings. Its purpose is to limit rent increases that accompany real estate speculation. The Committee believes that this bill will not achieve that goal - indeed, the bill would more than likely have the opposite effect. The problem of affordable housing should be addressed by more appropriate committees which have re-referred bills, such as HB 351 and HB 353, dealing with this problem. Vote 14-2. Rep. Neal M. Kurk for Ways and Means.

#### COMMITTEE REPORTS (Regular Calendar)

CACR 3, relating to the adjournment of the house of representatives and the senate. Providing that neither branch of the legislature may adjourn itself for more than 3 days during any regular or special session without the consent of the other. Inexpedient to Legislate.

CACR 3 proposes an amendment to the State Constitution, so neither branch of the General Court may adjourn itself for more than three days during any regular or special session without the consent of the other. This follows a clause in our Federal Constitution, but would not work as well in a state with small travel distances. Nothing would keep one branch from meeting and voting to adjourn again and again. It was felt by the Committee the same results could also be obtained by a joint rule which would have the same chance of being accepted by both houses as would this bill. Vote 10-0. Rep. Roger Stewart for Constitutional and Statutory Revision.

Report adopted.

CACR 14, relating to gender-specific language. Providing that all gender-specific terminology be removed from the constitution. Inexpedient to Legislate.

This concurrent resolution would provide that all gender-specific terminology be removed from this Constitution. The Committee felt the present Constitution is a valuable historical document and should be left as it was originally written. A bill, however, will be presented next year specifying that any future amendment proposed to our Constitution will be written in gender-neutral language. Vote 9-2. Rep. Roger Stewart for Constitutional and Statutory Revision.

Report adopted.



CACR 16, relating to the rules, practices, and procedures of the supreme court. Providing that statutory law prevail against conflicting supreme court enactments. Inexpedient to Legislate.

The House already debated the issue of Judicial Rulemaking Authority and defeated CACR 5, the Guns in Courtroom issue. The Committee agreed that this is the same issue and recommends Inexpedient. Vote 9-2. Rep. Betty B. Hall for Constitutional and Statutory Revision.

Report adopted.

CACR 17, relating to indirect initiative petition. Providing that statutes may be proposed by citizen petition to the general court. Inexpedient to Legislate.

The Committee feels that with a 400-member House this CACR is not needed. Most people consult their elected official about problems, who in turn present the proper legislation. Vote 9-2. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Report adopted.

CACR 18, relating to compensation of the legislature. Providing that any member of the legislature may be provided health insurance. Inexpedient to Legislate.

This CACR would authorize the establishment of a group health insurance plan for members of the Legislature. Members who would participate in this plan would do so at no cost to themselves. The Committee felt that this CACR, if adopted, would not encourage more people to run and would cause administrative problems. No provision was made on how to finance it. Vote 9-2. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Report adopted.

HB 412, relative to the residency requirement for persons running for the office of state representative. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This bill imposes an additional requirement that a person to hold the office of State Representative that he/she must be an inhabitant of the district for at least one year immediately before he/she files. The majority of the Committee felt that it would prefer to leave it up to the voters to decide whether or not the representative has lived in the district long enough to represent them. Vote 7-5. Rep. Betty B. Hall for the Majority of Constitutional and Statutory Revision.

MINORITY: The minority feels that a year residency requirement is necessary with the fast moving society of today which it feels is the unique character of New Hampshire. Reps. Roger Stewart and Natalie S. Flanagan for the Minority of Constitutional and Statutory Revision.

Rep. Vaughn moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to his motion and withdrew his motion. Resolution adopted.

HB 423, relative to qualifications for registering to vote. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This bill would repeal RSA 654:8, 1, which states the supervisors of the checklist shall determine the qualifications of voters as provided in RSA 654:12. RSA 654:12 is a guideline to help the supervisors do their duty as outlined in RSA 654:11. This statute allows the supervisors of the checklist to make a decision on the

applicant's qualifications to be placed on the checklist. To make this decision some evidence might be required from the candidate. It would seem to the majority of the Committee that the passage of this bill would not change anything in the supervisors duties or power to request corroborating evidence from the applicants. Vote 8-4. Rep. Roger Stewart for the Majority of Constitutional and Statutory Revision.

MINORITY: The minority feels that this bill would help to encourage more people to vote by removing barriers to voter registration, and that the present voter registration card is sufficient since it is signed under penalty of perjury by the applicant. Reps. Ellen C. Dube, Betty B. Hall, Ellen M. Cressy and Cynthia A. McGovern for the Minority of Constitutional and Statutory Revision.

Resolution adopted.

HB 460, relative to distributing political campaign literature at polling places on election day. Inexpedient to Legislate.

Towns and cities can already make ordinances as stringent or more stringent than this bill so this bill is not needed. Vote 9-3. Rep. Betty B. Hall for Constitutional and Statutory Revision.

Resolution adopted.

HB 546-FN, relative to the time for closing the polls in statewide elections. Re-Refer to Committee.

The desirability of closing the polls at a uniform time needs further study. Vote 11-1. Rep. Betty B. Hall for Constitutional and Statutory Revision.

Report adopted.

HB 453, relative to appointment procedures for the wetlands board. Inexpedient to Legislate.

The present procedure seems to be sufficient and does not exclude any municipalities. Passage of the bill would give the three organizations considerable leverage, not necessarily for the betterment of the Board representation. Vote 11-4. Rep. Elizabeth S. Millard for Environment and Agriculture.

Resolution adopted.

HCR 5, supporting initiatives at all levels seeking to solve the potentially catastrophic problem of depletion of the earth's ozone layer. Ought to Pass with Amendment.

The Committee strongly supports the intention of this resolution and recognizes that ozone is a serious problem. Vote 16-0. Rep. Bonnie Lou McCann for Environment and Agriculture.

#### Amendment

Amend the resolution by replacing all after the resolving clause with the following:

That the state of New Hampshire supports sound initiatives to solve this problem which has worldwide ramifications; and

That copies of this resolution, signed by the speaker of the house and the president of the senate, be by them forwarded to the members of the New Hampshire congressional delegation.

## AMENDED ANALYSIS

This resolution details the problems and potential consequences of the present and continued depletion of the earth's ozone layer. The resolution pledges the support of the state of New Hampshire to sound initiatives designed to solve this problem.

Amendment adopted.

Ordered to third reading.

HB 463, relative to quality assurance confidentiality. Inexpedient to Legislate.

The Committee felt that this bill is an unneeded requirement of additional record keeping. Policies on internal quality of care are already provided by the Division of Mental Health. Vote 16-1. Rep. Robert M. Gilbreth for Health and Human Services.

Resolution adopted.

HB 468-FN, prohibiting state funding of direct abortions. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: We're risking the loss of \$120,000,000 on an unnecessary bill. Currently, the State of New Hampshire only funds those abortions where the mother's life is in jeopardy. The Committee voted Inexpedient to Legislate 15-4, on this bill that aims at prohibiting all (for Medicaid clients) abortions, no matter what the reason. Between 1981 and 1985 there have been 2 State-funded abortions, the State of New Hampshire's share being \$288 annually and performed only when the mother's life was in danger. We, if this bill passed, could jeopardize \$120,000,000 in State revenues from Federal sources, \$39,600,000 in FY 1988 and \$80,400,000 in FY 1989 for all Medicaid services. Since abortion is a physician's service, it falls into a mandatory Medicaid service category and is the current practice in New Hampshire. Rep. Joan A. Wagner for Health and Human Services.

MINORITY: There are many people in New Hampshire who do not want their tax money used to pay for any abortions. They believe that an abortion is the taking of a human life. Rep. Guy R. Granger for the Minority of Health and Human Services.

Rep. Granger moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. Sochalski spoke againsts the motion.

A roll call was requested. Sufficiently seconded.

YEAS 30 NAYS 300

Due to a malfunction, a printout of the roll call was unavailable. The motion lost.

Rep. Tupper notified the Clerk that he wished to be recorded against the substitute motion.

Resolution adopted.

HB 231-FN, relative to updating master plans once every 5 years. Ought to Pass with Amendment.

This bill, as amended, requires planning boards to update and amend or review and reapprove adopted master plans once every 5 years. Current law reads from "time to time." Vote 13-3. Rep. Paul A. Golden for Municipal and County Government.

## Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Updating Master Plan. Amend the introductory paragraph of RSA 674:1, I to read as follows:

I. It shall be the duty of every planning board established under RSA 673:1 to prepare and amend [from time to time] or to review and reapprove once every 5 years a master plan to guide the development of the municipality. A master plan may include consideration of any areas outside the boundaries of the municipality which in the judgment of the planning board bear a relation to or have an impact on the planning of the municipality. Every planning board shall [from time to time] once every 5 years update and amend or review and reapprove the adopted master plan with funds appropriated for that purpose by the local legislative body. In preparing, amending, and updating the master plan:

2 Effective Date. This act shall take effect January 1,

## AMENDED ANALYSIS

As amended, this bill requires planning boards to update and amend or review and reapprove adopted master plans once every 5 years. Under current law, a master plan need only be amended "from time to time".

Amendment adopted.

Ordered to third reading.

HB 404-FN, establishing a road pay-back fee system. Ought to Pass with Amendment.

This bill will authorize municipalities to enact an equitable road pay back system. Vote 15-1. Rep. George M. West for Municipal and County Government.

## Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. It is hereby declared to be in the public interest to provide and maintain a safe and efficient transportation network for the state's citizens and provide for future growth. It is further declared in the public interest to require future development to share the cost of transportation system improvements necessitated by that development. It is the purpose of this act to authorize municipalities, and the state in cooperation with municipalities, to require applicants who seek approval for new development in the municipality to pay a fee which is directly related to the incremental financial burden imposed by that new development.

2 New Subdivision; Public Highway Improvement Contributions. Amend RSA 674 by inserting after section 52 the following new subdivision:

## Public Highway Improvement Contributions

674:53 Off-Site Highway Improvements as a Condition of Project Approval.

1. A planning board, in exercising subdivision review authority under RSA 674:35, or site plan review authority under RSA 674:43, may, as a condition of project approval, require the applicant to contribute to the cost of off-site public highway improvements in an amount related to the needs created by and special present and future benefits conferred upon the applicant's project.

II. The applicant's contribution may, if agreed to by the board and the applicant, be in some form other than money, such as a bond or other form of security, or materials, labor, or equipment. If such contribution is in money, it shall be expended only for the highway improvements stated in the board's decision.

III. No applicant contributions shall be required for highway improvements or portions thereof which the municipality has already completed at the time of the board's acceptance of the completed application, unless the board has established a highway improvement impact fee district under RSA 674:54.

674:54 Highway Improvement Impact Fee Districts. If a municipality has enacted a zoning ordinance, and if the planning board has adopted a master plan, capital improvements program, subdivision regulations, and site plan review regulations, the planning board may, through regulations adopted pursuant to the procedure of RSA 675:6, establish one or more highway improvement impact fee districts, require all new development within such a district to share in the cost of public highway improvements, accumulate developer contributions to finance such improvements, and recapture amounts already expended by the municipality for such improvements, subject to the following requirements:

1. In establishing the district, the board shall name a particular public highway improvement or series of related improvements which is to be financed wholly or partially through impact fees required from new development within the district.

II. The board shall determine or estimate the actual or projected cost of completing such improvements, including the municipality's planning, land acquisition, administrative, and engineering costs.

III. The board shall determine what portion of that cost shall be financed through developer impact fees, by comparing the extent to which the need for the improvements, and the benefit of those improvements, are attributable to proposed or anticipated development, and the extent to which such need and benefit are attributable to existing levels of development and the general public. The board may consider a variety of factors, including but not limited to the extent of existing development, the capacity of existing highways, the intensity of through and local traffic, amount of developable land, character of the neighborhood, uses permitted by zoning, anticipated rates of growth and development, and capacity and expected life of the improvements. The entire cost to the municipality of studies necessary for planning and developing the impact fee district regulations may be included in the amount to be recaptured through fees.

IV. The board shall establish a method for calculating any development project's allocable share of the amount determined under paragraph III. The rate-setting method may involve calculations of the proposed project's frontage, land area, floor area, projected traffic impact, type and intensity of use, projected valuation, or any other factor indicative of highway impact, or an appropriate combination thereof.

V. The highway improvement impact fee district shall include developable land benefited by the named improvements. If appropriate, the impact district may be divided into areas of greater and lesser impact, with differing contribution requirements.

VI. The board shall determine what types of permits or approvals shall be conditioned upon the impact fees. Such fees may be required as a condition of subdivision or site plan approval, or building, zoning, or other required permits; provided, however, that no development shall, due to multiple permit requirements, be required to pay more than its allocable share of fees.

VII. The board may adjust fee requirements from time to time, before or after the completion of the improvements, to reflect increased



construction costs, altered estimates of the amount of anticipated development, inflation, or interest accrued on any debt incurred for purposes of the improvements.

VIII. The amount of any required fee may be appealed in the manner specified by law for appeal of the underlying approval or permit which has been conditioned upon said fee.

IX. A separate accounting shall be maintained for all fees collected from each established impact fee district.

(a) Fees collected after expenditure for the improvements has been made may be deposited into a special roadway fund of the municipality, or into any fund from which amounts were spent for the stated highway improvements and may be used or contributed only to construct, reconstruct, or improve town roads.

(b) An applicant may agree to advance to the municipality, for the purposes of the improvements, some amount greater than the amount of fees required under paragraph V, and fees subsequently collected in an impact district may be repaid to that developer in a manner determined by the agreement; but no such agreement shall affect the amount or timing of any other applicant's fee requirement.

X. A fee requirement established under this section shall terminate upon the earliest of the following:

(a) At the end of the expected life of the improvements, as determined by the board.

(b) When the total amount of fees collected in the district equals the total of the portion of improvement costs allocated to developer contributions under paragraph III, as may be adjusted under paragraph VII.

(c) At the end of 20 years following the completion of the improvements.

674:55 Separate Fund. Any money collected from developers pursuant to this subdivision shall, prior to the municipality's expenditure for the highway improvements, be held in a separate interest-bearing fund to be held by the trustees of trust funds, subject to the investment limitations pertaining to capital reserve funds, not commingled with the municipality's general account, and may be expended upon authorization by the municipality's chief executive officer as defined in RSA 672:9.

674:56 State Highways. A municipality may exercise the authority granted under RSA 674:53 and 54 to finance improvements on class I and II highways, only if such improvements have been approved in writing by the commissioner of transportation pursuant to RSA 230:78. All improvements on class I and II highways shall conform to applicable standards of the department of transportation.

674:57 Statutory Construction. This subdivision shall not be construed (a) to deprive the planning board or other municipal body of its authority to disapprove projects, or (b) to limit the imposition of other conditions of approval authorized by this title and the common law of New Hampshire. No court, in reviewing a planning board decision pursuant to RSA 677:15, shall require a municipality, without its consent, to undertake public highways improvements, either at the expense of an applicant or otherwise.

3 New Section; Impact Districts. Amend RSA 230 by inserting after section 77 the following new section:

230:78 State Highway Improvement Impact Districts.

I. The commissioner of transportation shall have approval authority over any aspect of a municipal public highway improvement impact fee district established under RSA 674:54 which includes the imposition of developer contribution requirements for improvements to class I and II highways.

II. The commissioner may grant such approval at the request of a municipality pursuant to RSA 674:56, or, if the improvement is part of a state public works project, may initiate a request to a municipality to

establish such a district. The department of transportation may initiate, or may assist the municipality in, planning and developing the district, but no such district shall be effective in a municipality unless established by its planning board.

III. The commissioner and the municipality shall make an agreement specifying at a minimum: (a) allocation of financing responsibilities; (b) responsibility and mechanisms for imposing and collecting developer contributions; (c) how such contributions shall be held; and (d) what funds or accounts, and in what order or proportion, are to be reimbursed by any developer contributions collected after the improvement expenditures have been made.

IV. Notwithstanding RSA 674:55, the fund required therein may, in the case of class I and II highways, be held by the state.

4 New Section; Contributions; Driveway Permits. Amend RSA 236 by inserting after section 13 the following new section:

236:13-a Highway Improvements as a Condition of Driveway Permit.

I. The commissioner of transportation, in exercising the authority to issue permits pursuant to RSA 236:13 for class I and II highways may, as a condition of permit approval, require the applicant to contribute to the cost of state highway improvements, in an amount related to the needs created by and the special present and future benefits conferred upon the applicant's project.

II. The applicant's contribution shall be held in a separate interest-bearing account, and shall be expended only for the highway improvements stated in the permit.

5 Optional Rulemaking. Amend RSA 21-L:12-a by inserting after paragraph XII thereof the following new paragraphs:

XIII. The approval of highway improvement impact fee districts for improvements to state highways, as authorized by RSA 230:78.

XIV. The imposition and collection of highway improvement contributions as a condition of driveway permits as authorized by RSA 236:13-a.

6 Class I Trunk Line Highways. Amend RSA 230:1 to read as follows:

230:1 Class I Trunk Line Highways. The department of transportation shall assume full control and pay the costs of construction, reconstruction and maintenance of all class I highways, including bridges thereon except as provided in RSA 230:78 and RSA 236:13-a.

7 Class II State Aid Highways; Improved Portions.

230:3 Class II State Aid Highways; Improved Portions. The department of transportation shall assume full control and pay the costs of reconstruction and maintenance of all class II highways which have been improved to the satisfaction of the commissioner of transportation except as provided in RSA 230:78 and RSA 236:13-a.

8 New Paragraph; General Powers and Duties; Department of Transportation. Amend RSA 228:6 by inserting after paragraph VIII the following new paragraph:

IX. Enter into agreements with municipalities for the formation of highway improvement impact districts for improvements on class I and II highways pursuant to RSA 230:78, and to initiate or assist municipalities in the planning and development of regulations for such districts.

9 Capital Improvements; Authorization. Amend RSA 674:5 to read as follows:

674:5 Authorization. In a municipality where the planning board had adopted a master plan, the local [legislative] governing body may authorize the planning board to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years. The capital improvements program may encompass major projects being currently undertaken or future projects to be undertaken with federal, state, county and other public funds. The sole purpose and effect of the capital improvements program shall be to aid the mayor and the budget committee in their consideration of the annual budget.

10 Application to Conditions Imposed before January 1, 1988. No highway improvement contribution requirement imposed as a condition of any approval or permit which is granted prior to January 1, 1988, shall be declared illegal or invalid because of the provisions of this act.

11 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, authorizes municipalities, and the state in cooperation with municipalities, to require applicants who seek approval for new development in the municipality to pay a fee which is directly related to the incremental financial burden imposed by that new development. Such fee may, if agreed to by the relevant planning board and the applicant, be in some form other than money, such as a bond or other form of security, or materials, labor, or equipment.

Before a planning board may require contributions, the municipality must have enacted a zoning ordinance and such planning board must have adopted a master plan, capital improvements program, subdivision regulations and site plan review regulations. Should these conditions be met, the planning board may establish one or more highway improvement impact fee districts and may require all new development within such a district to share in the cost of public highway improvements.

A municipality may exercise the authority granted under this act to finance improvements on class I and II highways only if such improvements have been approved in writing by the commissioner of transportation.

Amendment adopted.

Rep. Ezra Mann moved that HB 404 be Re-Referred to the Committee on Municipal and County Government, and spoke to his motion.

Adopted.

HB 561-FN, relative to provision of water supplies to victims of water supply contamination, reimbursement of the oil pollution control fund, and licensing of oil transporters. Ought to Pass.

This bill allows the Division of Water Supply Pollution Control to use the Oil Pollution Control Fund to provide emergency relief when a water supply has been contaminated by oil discharge. This fund is fully based on a 2.5 cent per barrel charge on oil imported into the State, no general funds would be expended. The fund will be reimbursed subsequent to insurance settlement. Vote 10-4. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

Rep. Vaughn moved that HB 561 be Re-Referred to the Committee on Resources, Recreation and Development, spoke to his motion and yielded to questions.

Reps. Schwartz, Bowler and Blanchard spoke against the motion and yielded to questions.

Rep. Wright spoke against the motion.

Rep. Dickinson spoke in favor of the motion and yielded to questions.

Rep. Phelps moved the previous question. Sufficiently seconded. Adopted.

On a voice vote the motion lost.

Ordered to third reading.

HB 637-FN, relative to base development at Mount Sunapee. Re-Refer to Committee.

The Committee wishes to review the proposal of private participation in the development of State parks. The management report made as a result of Sunset review would be considered as a part of this study.

Vote 10-4. Rep. James A. Whittemore for Resources, Recreation and Development.

Report adopted.

HB 195, prohibiting the taking of private property by eminent domain for any facet of the nuclear industry. Ought to Pass with Amendment. This bill prohibits the use by eminent domain for the taking of private property for the purpose of the siting of nuclear power plants or, low-level radioactive disposal facilities specifically and not directed toward the nuclear industry for research or medical purposes. Vote 5-3. Rep. Raymond H. Gourdeau for Science, Technology and Energy.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

prohibiting the taking of private property by eminent domain for the siting of a nuclear power plant or a low-level radioactive waste disposal facility.

Amend RSA 498-A:5-a as inserted by section 1 by replacing it with the following:

498-A:5-a Condemnation Prohibited. Notwithstanding the provisions of RSA 125-G or any other law, private property shall not be condemned and taken under this chapter for the purpose of siting a nuclear power plant or a low-level radioactive waste disposal facility.

#### AMENDED ANALYSIS

This bill prohibits the use of the eminent domain procedure act for the taking of private property for the purpose of the siting of nuclear power plants or low-level radioactive waste disposal facilities.

Rep. Frederic Foss yielded to questions.

Rep. Daschbach explained the amendment.

Amendment adopted.

Ordered to third reading.

Reps. Marilyn Campbell and Sytek abstained from voting under Rule 16.

HB 539-FN, relative to costs to be excluded from a public utility's rate base. Re-Refer to Committee.

The Committee found that this bill raised a valid issue with respect to the inclusion in rate base of a public utility's property and equipment which is out of service for extended periods of time. This subject requires more study and consideration as the Committee feels this should be part of its comprehensive current energy policy. Vote 7-4. Rep. Richard J. Daschbach for Science, Technology and Energy.

Report adopted.

Rep. Marilyn Campbell abstained from voting under Rule 16.

HB 567-FN, relative to halting the development of nuclear power in New Hampshire. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The continuing development and usage of atomic energy worldwide requires the critical attention and efforts of industry.

government, the academic world and society in general. Restraints on these efforts would seriously inhibit New Hampshire's important role in the shaping of this national effort. Vote 7-3. Rep. Frederic A. Foss for the Majority of Science, Technology and Energy.

MINORITY: The intent of HB 567 is to establish in law New Hampshire's withdrawal of support for the continuation of nuclear power production in this State. Attempts made in Committee to address serious constitutional questions raised by HB 567 failed. Nevertheless, the minority feels so strongly that Seabrook Nuclear Power Plant, and nuclear power in general, create more problems than are solved by its production; that it voted against the motion of Inexpedient to Legislate and in favor of sending this valuable message. Rep. Stephen A. Crystal for the Minority of Science, Technology and Energy.

Resolution adopted.

Reps. Marilyn Campbell and Sytek abstained from voting under Rule 16.

HB 568-FN, prohibiting the transportation, production, burial and storage of high-level radioactive material in the state of New Hampshire. Ought to Pass with Amendment.

The Committee amendment exempts the Seabrook I nuclear power plant from the prohibitions of the bill. With the amendment, the bill prohibits the siting of high-level radioactive waste dump in New Hampshire. It also prohibits the construction of any nuclear power plants in the future. The Committee felt unanimously that this bill sets up a policy which reflects the will of the people of the State and sends a strong and clear message to the Federal Government regarding nuclear policy. Vote 10-0. Rep. Douglas E. Hall for Science, Technology and Energy.

#### Amendment

Amend RSA 125-G as inserted by section 1 of the bill by inserting after section 12 the following new section:

125-G:13 Exception. Notwithstanding the provisions of RSA 125-G:2 and RSA 125-G:11, nothing in this chapter shall prohibit the production, transport, or on-site storage of high-level radioactive material resulting from or necessary for the operation of any nuclear electric generating facility on which construction was completed prior to January 1, 1987.

#### AMENDED ANALYSIS

The bill prohibits the production, transportation, burial and storage of high-level radioactive material in the state. It provides for consultation with other states and the United States Congress on issues relative to high-level radioactive waste, and for the office of state planning to be the contact agency for the state with the federal Department of Energy and the Nuclear Regulatory Commission.

The bill requires the removal of all high-level radioactive materials from the state within 6 months of passage of the act.

As amended, the bill's prohibitions would not apply to nuclear electric generating facilities constructed prior to January 1, 1987.

Amendment adopted.

Ordered to third reading.

Rep. Sytek abstained from voting under Rule 16.

HJR 2, urging affordable housing with regard to Mariner's Village in Portsmouth. Inexpedient to Legislate.



The majority of the Committee felt that the purpose of this resolution can be achieved as well, and at less cost, by a letter from the Committee to the appropriate persons indicating the Committee's grave concern over the events at Mariner's Village and intent to introduce legislation in the next session to address these problems unless they are resolved locally. The Committee will circulate this letter among the members of the House with the hope of obtaining the signatures of as many members as possible. Vote 9-4. Rep. Judy E. Reardon for State Institutions and Housing.

Report adopted.

HB 303-FN, relative to fees collected by the New Hampshire port authority. Ought to Pass.

The Committee heard support for allowing funds generated at the Port to be set into special accounts to allow for expanded programs in harbor management and for increase in the development of the Foreign Trade Zone. On inspection of the facilities and the study of plans now being developed caused the Committee to feel that growth of business is certain to occur. Vote 13-0. Rep. Richard L. Haynes for Transportation.

Referred to Appropriations.

HB 216-FN, requiring all moneys received for the driver training fund to be expended on driver education only, with any excess to be lapsed into the highway fund. Ought to Pass.

This bill attempts to reinstate the procedure under which school districts received money to support the Driver Training Program offered in High Schools of the State. Under provisions of the original law, proceeds from the sale of vanity plates, original licenses and number plates for amateur radio operators created a fund to be expended solely for instruction in safe motor vehicle driving conducted in secondary schools with any excess, after costs of administration, going to the Highway Fund. At the present time, the fund is being used for other purposes with only \$50 per trained student being received by the school. Present average cost of training a student driver is in the range of \$185 to \$215. In many school districts students are required to pay all costs over the \$50. The Committee hopes to see the original intent of the training fund reinstated. Vote 12-1. Rep. Richard L. Haynes for Transportation.

Referred to Appropriations.

RECESS

#### COMMITTEE REPORTS (cont.)

HB 707, relative to temporary rates for public utilities. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: Under current law a utility can put a rate increase into effect under bond and after 6 months, even if it has not been approved by the Public Utilities Commission. This bill would repeal that law. Under this bill, the PUC still has the authority to grant temporary and emergency rate relief as requested by any utility. The rate increase would still become effective as a permanent rate after 12 months if no decision has been made by the Public Utilities Commission.

This statute has been abused and ratepayers are currently being overcharged. The utility may be required to provide refunds at a time when they are financially unable to do so. A repeal of this law would

prevent any further abuses, which is especially important given that future rate increases could be extremely large. Vote 7-3. Rep. Susan Schwartz for the Majority of Science, Technology and Energy.

MINORITY: The Public Utilities Commission has a traditional role of balancing the interests of the consumers, the investment community and the utility industry. The present related statutes on rate determination guide and maintain that reasonable balance. Over-reaction to one set of rate case circumstances, involving only one company, should not be used to penalize the entire utility industry. Rep. Frederic A. Foss for the Minority of Science, Technology and Energy.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the implementation of public utility  
rate schedules under bond.

Amend the bill by replacing section 1 with the following:

1 Suspension of Schedule; Implementation of Proposed Rates Under Bond; Repeal. RSA 378:6, III, relative to implementation of proposed public utility rates under bond pending public utility commission rate schedule review, is repealed.

#### AMENDED ANALYSIS

The bill, as amended, repeals a provision of law permitting a public utility to put a schedule of rates into effect under bond pending public utility review of the rate schedule.

Rep. Frederic Foss moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Reps. Schwartz and Chambers spoke against the motion.

Rep. Hunt spoke to the motion.

Rep. Hatch in favor of the motion and yielded to questions.

Rep. Arnott spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

Reps. Marilyn Campbell, Sytek and Gross abstained from voting under Rule 16.

YEAS	127	NAYS	212
YEAS	127		

BELKNAP: Richard Campbell, Dexter, Hardy, Malcolm Harrington and Jensen.

CARROLL: Allard, Gene Chandler, Hounsell, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Arnott, Delano, Grodin, Miller, Parker, Perry and Sawyer.

COOS: Brungot, Harold Burns, Frederic Foss, Horton, Marsh and Purrington.

GRAFTON: Bennett, Blair, Christy, Driscoll, Hammond, McAvoy, Scanlan, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Beaupre, Bowers, A. Leslie Burns, Cox, Gerard Desrochers, William Desrosiers, Drolet, Clyde Eaton, Fields,

Granger, Scott Green, Grip, Hatch, Humphrey, Keefe, Alice Knight, Kurk, Levesque, Mason, Pappas, Pariseau, Perham, Prestipino, Sallada, Shriver, Stiles, Ware, Watson, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Laurent Boucher, Gilbreth, George E. Gordon, Hayes, Mary Holmes, C. William Johnson, Kidder, Lockwood, Nichols, Phelps and Doris Riley.

ROCKINGHAM: Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Bert Ford, Elizabeth Greene, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Mace, Malcolm, William F. McCain, Newell, Palumbo, Ritzo, Simon, Warburton, Welch, Woodward and Wright.

STRAFFORD: Appleby, Chamberlin, Dingle, Patricia Foss, Frechette, Jean, Robert Jones, Kinney, Koromilas, Lachance, Martling, Parks, Swope, Ann Torr and Wilson.

SULLIVAN: Behrens, Brodeur, Domini, Flint, Krueger, Peyron, Rodeschin and Schotanus.

#### NAYS 212

BELKNAP: Bowler, Brown, Golden, Hawkins, Maviglio, Pearson, Lawrence Richardson and Turner.

CARROLL: Russell Chase, Dickinson, Robert Holmes and Schofield.

CHESHIRE: Blacketer, Clark, Cole, Corrigan, Daschbach, Jesse Davis, Doucette, Foster, Frink, Irvin Gordon, Hunt, LaMar, Matson, Morse, Pierce, Ramsay, William Riley, Schwartz and David Young.

COOS: Brady, Coulombe, Guay, Kilbride, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Adams, Arnesen, Bean, Chambers, Crystal, Dearborn, Densmore, Wayne King, Lougee, Ezra Mann and Stewart.

HILLSBOROUGH: Ahrens, Barbara Arnold, Baker, Baldizar, Bourque, Boutwell, Buckley, Burkush, Champagne, Chretien, Cid, Cote, Cowenhoven, Cusson, Daigle, Ann Derosier, Domainque, Donovan, Dube, Dupont, Dwyer, Dykstra, Joseph M. Eaton, Nancy Ford, Frank, Gagnon, Genest, Guilbert, Betty Hall, Marian Harrington, Healy, Holden, Chris Jacobson, Michael Jones, Cornelius Keane, Robert Kelley, Donna Kelly, Korcoulis, Lefebvre, Long, Lown, Lozeau, Bonnie McCann, McRae, Messier, Moore, Morrisette, Robert Murphy, Nixon, O'Rourke, Packard, Paquette, Pignatelli, Price, Reardon, Reidy, Herbert Richardson, Eileen-Anne Robinson, Routhier, Schneiderat, Leonard Smith, Soucy, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Cahill, James Chandler, Fillion, Fraser, Hager, Douglas Hall, Hess, Burton Knight, Lewis, Merton Mann, Manus, Pantzer, Philbrick, Provencal, Rehlander, Walter Robinson, Gerald Smith, Stio, Trombly, Tupper, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blaisdell, Blanchard, William Boucher, Buco, Butler, Eunice Campbell, Carpenito, Conroy, Cressy, Cusning, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gosselin, Hoar, Hollingworth, Hynes, Joyce, Lovejoy, McGovern, McKinney, Pantelakos, Parr, Pevear, Read, Rosencrantz, Sanderson, Schmidtchen, Seward, Sherburne, Skinner, Splaine, Tufts, Vaughn, Weddle and Wells.

STRAFFORD: Bernard, Callaghan, Casey, Albert Dionne, Anita Flynn, Edward Flynn, Sandra Keans, Kincaid, Laurion, Lussier, William McCann, McManus, Musler, Pelley, Proulx, Spear and Wall.

SULLIVAN: Cutting, Ingram, Lindblade, McKee, Normandin, Spaulding and Sara Townsend, and the motion lost.

Reps. Moore and Daigle notified the Clerk that they inadvertently voted nay and meant to vote yea.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

HB 528, instituting a confidential system to protect engineers reporting construction safety violations. Ought to Pass with Amendment.

The amendment to this bill removes the hot line which is not needed and also removes the fiscal impact. Vote 15-0. Rep. George S. Baker, Sr. for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend RSA 155-B:2-a as inserted by section 1 of the bill by replacing it with the following:

155-B:2-a Confidential Reporting of Construction Safety Violations. Independent licensed engineers or licensed engineers employed by certified engineering corporations or partnerships, when performing construction under contract, shall immediately report any defective or hazardous conditions which they observe in such construction to the governing body of the city or town in which the construction is located or to the office of the state fire marshal. If the report is made to the state fire marshal, he shall, upon receipt of such a report, notify the governing body of the city or town in which the construction is occurring for further investigation. To avoid any type of economic reprisal which may result from reporting such defective or hazardous conditions, the state fire marshal or the appropriate governing body shall keep confidential the identity of the individual reporting such conditions.

#### AMENDED ANALYSIS

This bill requires licensed engineers and employees of licensed engineering corporations to report construction defects or safety hazards of which they are aware in performing contract services on the project. The reports are to be made to either the governing body of the city or town in which the construction project is located or to the state fire marshal's office. The identity of the person making the report is to be kept confidential to protect against economic reprisals.

The bill provides for review of an engineer's license by the joint licensing board for failure to report known defects or hazards on projects on which the engineer is performing contract services.

Amendment adopted.

Ordered to third reading.

HB 504, permitting a person to be the candidate of only one party. Ought to Pass with Amendment.

The sponsor of this bill stated that he would favor an amendment that would permit a candidate to be a write-in candidate so long as the candidate receives write-in votes equaling 25 percent or more of the total votes cast for that party on the State primary election ballot. Vote 12-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Rep. James Chandler moved that the words, Re-Refer to the Committee on Constitutional and Statutory Revision, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Rep. Holden spoke to the motion.

Rep. James Chandler yielded to questions.

Rep. Flanagan spoke to the motion.

Motion adopted.

HB 522, relative to membership on the state party convention. Ought to Pass with Amendment.

This bill, as amended, adds the following persons to those individuals who shall meet in State Convention following any primary as provided in RSA 667:21: (1) party nominees for the office of United States Senator; (2) party nominees for the Office of United States Representatives; and (3) the incumbent United States Senator or senators whose term or terms shall not expire during the December following that year's general election. Vote 12-2. Rep. Carol H. Holden for Constitutional and Statutory Revision.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 United States Senator as Member of State Convention. Amend RSA 667:21 and 22 to read as follows:

667:21 Date, Call and Purposes. Not earlier than the third Tuesday of September following any primary, and not later than the last Tuesday of October, upon the call of the chairman of the state committee of the party, the nominees of each party for the offices of governor, United States senator, United States representative, executive councilors, state senators, county officers, representatives, [and] state delegates elected, and the incumbent United States senator or senators whose term or terms shall not expire during the December following that year's general election, shall meet in state convention for the purpose of adopting the platform of their party, nominating presidential electors and effecting an organization for the following 2 years. The names and domiciles of the presidential electors nominated by such convention shall be forthwith certified to the secretary of state by the chairman and the clerk of the convention. Upon receipt of the foregoing certifications, the secretary of state shall publish in some paper of general circulation the names of the persons found by him to have been chosen as candidates for presidential electors by the several parties.

667:22 Party Organization. The nominees from a party [and] , state delegates of each county, and the incumbent United States senator or senators if they have met the requirements of RSA 667:21, shall determine the membership of a county committee for their party either in said state convention or in county convention upon call of the chairman of the state committee. The county committee shall consist of such number of persons as the nominees from a party [and], the state delegates of each county, and the incumbent United States senator or senators if they have met the requirements of RSA 667:21, shall determine to apportion to each county. The members of several committees thus chosen shall constitute the state committee of the party. Resignations from the state committee shall be received by the state committee and the state committee shall set a place and time and manner for filling such vacancies. A state committee may choose as its officers persons not members of the committee and such officers shall be ex officio members of the committee. The party members in each town, ward or city may effect such an organization as they may deem expedient for advancing the purposes of their party.



## AMENDED ANALYSIS

As amended, this bill adds the following persons to those individuals who shall meet in state convention following any primary as provided in RSA 667:21:

- (1) Party nominees for the office of United States senator.
- (2) Party nominees for the office of United States representative.
- (3) The incumbent United States senator or senators whose term or terms shall not expire during the December following that year's general election.

Rep. Scott Green moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Rep. Holden spoke against the motion.

A division was requested.

91 members having voted in the affirmative and 240 in the negative, the motion lost.

Rep. Daschbach notified the Clerk that he wished to be recorded in favor of the substitute motion.

Question now being on the Committee amendment.

Amendment adopted.

Rep. Warburton offered an amendment.

## Amendment

Amend the bill by replacing section 1 with the following:

1 United States Senator as Member of State Convention. Amend RSA 667:21 and 22 to read as follows:

667:21 Date, Call and Purposes. Not earlier than the third Tuesday of September following any primary, and not later than the last Tuesday of October, upon the call of the chairman of the state committee of the party, the nominees of each party for the offices of governor, United States senator, United States representative, executive councilors, state senators, county officers, representatives, [and] state delegates elected, and the incumbent United States senator or senators whose term or terms shall not expire during the January following that year's general election, shall meet in state convention for the purpose of adopting the platform of their party, nominating presidential electors and effecting an organization for the following 2 years. The names and domiciles of the presidential electors nominated by such convention shall be forthwith certified to the secretary of state by the chairman and the clerk of the convention. Upon receipt of the foregoing certifications, the secretary or state shall publish in some paper of general circulation the names of the persons found by him to have been chosen as candidates for presidential electors by the several parties.

667:22 Party Organization. The nominees from a party [and] , state delegates of each county, and the incumbent United States senator or senators if they have met the requirements of RSA 667:21, shall determine the membership of a county committee for their party either in said state convention or in county convention upon call of the chairman of the state committee. The county committee shall consist of such number of persons as the nominees from a party [and], the state delegates of each county, and the incumbent United States senator or senators if they have met the requirements of RSA 667:21, shall determine to apportion to each county. The members of several committees thus chosen shall constitute the state committee of the party. Resignations from the state committee shall be received by the state committee and the state committee shall set a place and time and manner for filling such vacancies. A state committee may choose as its officers persons not members of the committee and such

officers shall be ex officio members of the committee. The party members in each town, ward or city may effect such an organization as they may deem expedient for advancing the purposes of their party.

#### AMENDED ANALYSIS

As amended, this bill adds the following persons to those individuals who shall meet in state convention following any primary as provided in RSA 667:21:

- (1) Party nominees for the office of United States senator.
- (2) Party nominees for the office of United States representative.
- (3) The incumbent United States senator or senators whose term or terms shall not expire during the January following that year's general election.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Warburton explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 283, relative to employment termination. Inexpedient to Legislate. This bill applies to employers in both the private and public sector and unreasonably restricts their prerogatives in dealing with difficult employment situations. In school districts, the probationary period of employment is a critical element in properly administering the quality of education. This bill destroys the concept of a trial period of employment. Vote 13-1. Rep. Gordon B. Flint for Labor, Industrial and Rehabilitative Services.

Rep. Burton Knight moved that the words, Re-Refer to the Committee on Labor, Industrial and Rehabilitative Services, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Flint, Turner and Nichols spoke against the motion.

Rep. Guay spoke against the motion and yielded to questions.

Rep. Reidy spoke in favor of the motion and yielded to questions.

Rep. Maurice MacDonald spoke to the motion.

A roll call was requested. Sufficiently seconded.

YEAS 110 NAYS 239  
YEAS 110

BELKNAP: Hawkins, Maviglio and Lawrence Richardson.

CHESHIRE: Blacketer, Clark, Cole, Corrigan, Daschbach, Doucette, Foster, Frink, LaMar, Matson, Pierce, Ramsay, William Riley and Schwartz.

COOS: Coulombe, Mayhew and Oieson.

GRAFTON: Arnesen, Chambers, Crystal, Densmore, Michael King, Wayne King, LaMott, Lougee and Wadsworth.

HILLSBOROUGH: Ahern, Baker, Baldizar, Bourque, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cote, Cusson, Ann Derosier, Gerard Desrochers, Dube, Dupont, Dwyer, Dykstra, Joseph M. Eaton, Frank, Gagnon, Genest, Scott Green, Betty Hall, Healy, Chris Jacobson, Cornelius Keane, Lefevre, Long, Lozeau, Robert Murphy, Nixon, O'Rourke, Pignatelli, Price, Reardon, Reidy, Herbert Richardson, Leonard Smith, Soucy, Sullivan, Turgeon, Wagner, Winn, Zajdel and Zis.

MERRIMACK: Bardsley, Cahill, James Chandler, Gilbreth, George E. Gordon, Gross, Douglas Hall, Burton Knight, Provencal, Trombly, Tupper and Yeaton.

ROCKINGHAM: Carpenito, Cressy, Cushing, Ellyson, McGovern, Pantelakos, Pevear, Read, Sanderson, Splaine and Weddle.

STRAFFORD: Callaghan, Casey, Albert Dionne, Sandra Keans, Kincaid, Lachance, Lussier, McManus and Wall.

SULLIVAN: Brodeur, Krueger, McKee and Normandin.

NAYS 239

BELKNAP: Bolduc, Bowler, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Jensen, Pearson and Turner.

CARROLL: Allard, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Jesse Davis, Delano, Irvin Gordon, Grodin, Hunt, Miller, Morse, Parker, Perry, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Marsh, Nelson, Purrington and Theriault.

GRAFTON: Adams, Bean, Bennett, Blair, Christy, Dearborn, Driscoll, Hammond, Ezra Mann, McAvoy, Scanlan, Stewart, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Barbara Arnold, Beaupre, Boutwell, Bowers, Cid, Cowenhoven, Cox, Daigle, William Desrosiers, Domainque, Donovan, Drolet, Clyde Eaton, Fields, Nancy Ford, Granger, Grip, Guilbert, Marian Harrington, Hatch, Holden, Humphrey, Michael Jones, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Kurk, Levesque, Lown, Mason, Bonnie McCann, McRae, Messier, Moore, Morrissette, Packard, Pappas, Paquette, Pariseau, Perham, Prestipino, Ellen-Ann Robinson, Routhier, Sallada, Schneiderat, Shriver, Stiles, Tarpley, Vanderlosk, Ware, Watson, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Beaton, Laurent Boucher, Fillion, Fraser, Hager, Hayes, Hess, Mary Holmes, C. William Johnson, Kidder, Lewis, Lockwood, Merton Mann, Manus, Nichols, Pantzer, Phelps, Philbrick, Rehlander, Doris Riley, Walter Robinson, Gerald Smith, Stio, West and Whittemore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blaisdell, Blanchard, William Boucher, Buco, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cooke, Drake, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Elizabeth Greene, Haynes, Hoar, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Parr, Ritzo, Rosencrantz, Schmidtchen, Seward, Sherburne, Simon, Skinner, Sochalski, Sytek, Tufts, Vartanian, Vaughn, Walker, Warburton, Welch, Wells, Woodward and Wright.

STRAFFORD: Appleby, Bates, Bernard, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Ross, Frechette, Jean, Robert Jones, Kinney, Koromilas, Laurion, Martling, William McCann, Musier, Parks, Peiley, Proulx, Spear, Swope, Ann Torr and Wilson.

SULLIVAN: None, and the motion lost.  
Resolution adopted.

HB 694, relative to financial disclosure. Inexpedient to Legislate. House Bill 694 was found "Inexpedient to Legislate" since it will be combined with known Senate bill (SB 176) dealing with the same subject matter. Amendments will include pertinent portions of HB 694. This procedure was agreed upon by a sponsor of HB 694, as well. Vote 11-0. Rep. Richardson D. Benton for Legislative Administration.

Rep. Kelley yielded to questions.  
Resolution adopted.

HB 552-FN, relative to per diem increases for deputy sheriffs. Ought to Pass.

Introduction of bill was made by House members and Senators. The Committee agreed to increase fees for deputy sheriffs who are employed on per diem basis. Sum of \$55 a day plus traveling expenses. Vote 17-0. Rep. JoAnn T. Morse for Municipal and County Government.

Referred to Appropriations.

HB 670-FN, relative to review of wood-fired electrical generating plants. Ought to Pass.

It was the unanimous consensus of the Committee that HB 670 is necessary because it provides the State with some ability to exert control over the wood-fired electrical generating plants to make certain that they use sound forest management practices when removing biomass fuel from our forests. In addition, it eliminates a loophole in the current law that would permit biomass plant that is constructed in this State, but sells electricity entirely in another state from escaping any form of review by the Public Utilities Commission or the State. Vote 12-0. Rep. Deborah L. Arnesen for Science, Technology and Energy.

Rep. Daschbach moved that the words, Re-Refer to the Committee on Science, Technology and Energy, be substituted for the Committee report, Ought to Pass, spoke to his motion and withdrew his motion.

Ordered to third reading.

Rep. Wright abstained from voting under Rule 16.

#### RECONSIDERATION

Rep. Guay moved that the House reconsider its action whereby it killed HB 285, relative to overtime work, and spoke to his motion.

Reps. Cushing and Chambers spoke in favor of the motion.

Reps. David Young and Maurice MacDonald spoke to the motion.

Motion adopted.

Question now being on the Committee report, Inexpedient to Legislate.

Rep. Maurice MacDonald moved that the words, Re-Refer to the Committee on Labor, Industrial and Rehabilitative Services, be substituted for the Committee report, Inexpedient to Legislate.

Motion adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 18 at 11:00 a.m.

Adopted.

## LATE SESSION

## Third reading and final passage

HB 258-FN, relative to limitations on liability.

HB 528, instituting a confidential system to protect engineers reporting construction safety violations.

HB 571-FN, relative to the certification and financial management of life care facilities.

HB 599, relative to submetering by master metered utility customers.

HB 397, changing the time for counting absentee ballots and requiring the posting of the time for commencement of counting absentee ballots.

HB 500, to revive the charter of the First Church (Congregational) in Jaffrey.

HB 522, relative to membership on the state party convention.

HB 701-FN, relative to the fee charged for copies of checklist.

HB 391, creating a division of agricultural development in the department of agriculture using currently available funding and personnel.

HB 291, relative to cosmetology.

HB 435-FN, creating a committee to study head injuries in New Hampshire.

HB 541-FN, relative to developmentally disabled persons.

HB 545, establishing a task force on homelessness.

HB 407-FN, amending the way in which the town of Londonderry shall collect its taxes for fiscal years 1987-1994.

HB 497, establishing a committee to study granting municipalities the option of setting their own tax rates.

HB 595, changing the time and place for holding the first meeting of the county convention.

HB 663-FN, legalizing action by the city of Franklin in adopting a budget and supplemental budget for an optional fiscal year and authorizing debt during the transition period.

HB 706-FN, increasing the per diem allowance for county delegation meetings.

HB 717, relative to membership on planning boards.

HB 493-FN, establishing a committee to study the potential development of a state park in the Kona Wildlife Area in Moultonborough.

HB 668-FN, relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.

HB 670-FN, relative to review of wood-fired electrical generating plants.

HB 704-FN, relative to the safety of facilities gathering, transmitting, and distributing petroleum gas.

HCR 3, relative to accidents involving nuclear power plants.

HCR 4, relative to a National Housing Partnership Act.

HCR 5, supporting initiatives at all levels seeking to solve the potentially catastrophic problem of depletion of the earth's ozone layer.

HB 231-FN, relative to updating master plans once every 5 years.

HB 561-FN, relative to provision of water supplies to victims of water supply contamination, reimbursement of the oil pollution control fund, and licensing of oil transporters.

HB 195, prohibiting the taking of private property by eminent domain for the siting of a nuclear power plant or a low-level radioactive waste disposal facility.

HB 568-FN, prohibiting the transportation, production, burial and storage of high-level radioactive material in the state of New Hampshire.

HB 707, relative to the implementation of public utility rate schedules under bond.



Rep. Palumbo moved that the House stand in recess.  
Adopted.

The House recessed at 3:15 p.m.

RECESS

(Speaker in the Chair)

Rep. Palumbo moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 14

*Wednesday, 18Mar87*

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rev. Walter Larson of the Concordia Lutheran Church in Concord.

Lord, we need to begin this work of representing Your people, free from all that pulls us down...that holds us back...from fulfilling Your will in our midst.

Free us from all thoughts of unkindness, from motives of selfishness, from the guilt of self-hate we feel over those things we have done, but should not have done. Free us for the future, for the peace and prosperity of the people, for compassion and care of the needy.

Be with us in solving the problems of our community, Grant Your guidance to understand that to fulfill Your law of love, we may have to sacrifice and suffer. Yet we would follow because we trust You to lead us.

In our deliberations today, turn our minds to the resources of our faith. Strengthen our vision for the living of these days, and give fruit to the dreams we dream, that Your will be done in our midst and for Your glory. Amen.

Rep. Tilton led the Pledge of Allegiance.

(Deputy Speaker Burns in the Chair)

## LEAVES OF ABSENCE

Reps. Manus, Stewart, Popov, George Gordon, Boisvert, Schwaner and Appleby, the day, illness.

Reps. Stonner, Doris Riley, Brown, Pariseau, Foster, Millard, Mulligan, Gordon Arnold, John Young, Lionel Boucher, Scott, Bass, Ducharme, Wallner, Thurston, Olimpio, Rodgers, Lemire, Hatch and Parker, the day, important business.

Rep. Ruth Gage, the day, death in the family.

Reps. Joseph MacDonald and Walter, the day, illness in the family.

## INTRODUCTION OF GUESTS

Bob and Irene Tessier and students from the Stratham Memorial School, guests of the Speaker.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 519, relative to consumer motor vehicle warranties, was removed at the request of Rep. Cushing.

HB 572, relative to recycling beverage containers, was removed at the request of Rep. Patricia Foss.

HB 638, relative to returnable containers, was removed at the request of Rep. Maviglio.

HB 159, relative to sunset review of the board of education - driver education, was removed at the request of Rep. Walker.  
Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

HB 385, relative to public amusements. Inexpedient to Legislate. The Committee feels this bill addresses a serious problem, but favors a similar bill passed by the Senate (SB 90). Vote 14-0. Rep. Raymond C. Buckley, II for Commerce, Small Business and Consumer Affairs.

HB 448, relative to mandatory liability coverage. Inexpedient to Legislate. The Committee feels that this bill addresses a serious problem, but favors a similar bill passed by the Senate (SB 90). Vote 19-0. Rep. Raymond C. Buckley, II for Commerce, Small Business and Consumer Affairs.

HB 476, relative to payment of a borrower's property taxes and insurance by a home mortgage lender. Inexpedient to Legislate. Aside from severely restricting the availability of fixed rate long term mortgage loans, it is absolutely and administratively impossible to regulate. Vote 15-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

HB 612, relating to insurance holding companies. Ought to Pass with Amendment.

This bill allows insurance companies to increase investment from surplus to 50% from 35% in common stock, preferred stock, debt obligations, and other securities in one or more foreign or domestic insurance subsidiaries. Vote 17-0. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Investment in Insurance Corporations. RSA 401-B:2, III, is repealed and reenacted to read as follows:

III. INVESTMENT IN INSURANCE CORPORATIONS

(a) Any domestic insurer, other than a domestic life insurer, may invest, or otherwise acquire common stock, preferred stock, debt obligations, and other securities of one or more foreign or domestic insurance subsidiaries, in an amount which, together with its present holdings and with indirect or proportionate interest in such stocks held by it through any intermediate subsidiary or subsidiaries, shall not exceed in value 50 percent of the surplus to policyholders of such acquiring insurer.

(b) Any domestic life insurer may invest in or otherwise acquire, common stock, preferred stock, debt obligations, and other securities of one or more foreign or domestic insurance subsidiaries, in an amount which, together with its present holdings and indirect or proportionate interest in such stocks held by it through any intermediate subsidiary or subsidiaries, shall not exceed in value 50 percent of such insurer's surplus, provided that after such investments, the insurer's surplus will be reasonable in relation to the insurer's outstanding

liabilities and adequate to its financial needs. Except as provided in subparagraph (c), the amount of such investments shall be calculated as the total of the following considerations expended and obligations assumed:

(1) Total moneys or other consideration expended and obligations assumed in the acquisition or formation of an insurance subsidiary, including all organizational expenses and contributions to capital and surplus of such subsidiary whether or not represented by the purchase of capital stock or issuance of other securities, and

(2) All amounts expended in acquiring additional common stock, preferred stock, debt obligations, and other securities and all contributions to the capital or surplus of an insurance subsidiary subsequent to this acquisition or formation.

(c) For purposes of determining the amount invested by a domestic life insurer pursuant to subparagraph (b), the value of the common stock, preferred stock, debt obligations, and other securities of one or more foreign or domestic insurance subsidiaries, which were invested in or otherwise acquired by any domestic life insurer prior to the effective date of this paragraph, shall be the current market value of such investments.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill, as amended, limits the amount any domestic insurer may invest in one or more foreign or domestic insurance subsidiaries. The bill, as amended, provides certain valuation formulas which apply only to domestic life insurers.

HB 666-FN, relative to medical insurance payments for incarcerated persons. Ought to Pass with Amendment.

The Committee feels that this bill will greatly aid the counties and State in detaining reimbursement from insurers for incarcerated persons who have medical insurance when those persons are removed from a place of detention to a medical facility within the State. Vote 20-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend RSA 402:79 as inserted by section 1 of the bill by replacing it with the following:

402:79 Custody; Reimbursement for Medical Expenses. Whenever the state or any of its subdivisions, or any agency of the state or of any of its subdivisions, is required to pay under the provisions of RSA 623:1, I for the medical care of any person in its custody pursuant to a valid arrest or detention, such governmental unit shall be entitled to obtain reimbursement for such payments from any insurer to the extent that such insurer would be liable to pay for such medical care pursuant to any health, medical, group health or medical, liability, or other insurance policy.

Amend the bill by deleting sections 2 and 3 and renumbering sections 4 and 5 to read as 2 and 3, respectively.

HB 705-FN, relative to itinerant vendors. Re-Refer to Committee. The problem here is real, but bonding amounts and conditions (e.g., their relation to employment) require further study. Vote 17-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

HB 722, relative to small loans. Ought to Pass.  
 House Bill 722 allows finance companies to offer open-end loans to consumers. The bill defines and differentiates between closed-end and open-end loans. The bill provides licensing and regulation of small loans by the Bank Commissioner. The bill has the support of the Bank Commissioner. Vote 16-0. Rep. David L. Gelinas for Commerce, Small Business and Consumer Affairs.

HB 157-FN, relative to sunset review of the board of education - general instruction. Ought to Pass with Amendment.

On a vote of 15-0, the Committee agreed the Board of Education - General Instruction, should be renewed for another 6 years. This bill, as amended, requires the Board of Education to establish guidelines for local evaluation programs. It also requires the Department to compile data from testing programs and evaluation programs to aid local school districts in setting goals, improving their evaluation procedures and programs. The bill, as amended, appropriates \$225,000 for each fiscal year for the Department of Education to acquire the staff and resources necessary to effect this act. Vote 15-0. Rep. E. Jane Walker for Education.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to sunset review of the board of education - general instruction, school district evaluation guidelines, and making an appropriation therefor.

Amend the bill by replacing section 1 with the following:

1 Sunset; The Board of Education - General Instruction Renewed. The board of education - general instruction, PAU 060308, is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraph; Evaluation Guidelines. Amend RSA 21-N:9, II by inserting after subparagraph (t) the following new subparagraph:

(u) Guidelines for uniform evaluation programs among local school districts.

4 New Paragraphs; District Evaluations. Amend RSA 21-N:7 by inserting after paragraph IX the following new paragraphs:

X. Collecting and compiling data from the statewide testing program and testing programs at each school district for the purpose of assisting school districts to specify measurable performance goals, develop long term educational plans, and establish specific criteria for local evaluation programs. The division shall use this data to identify problem areas and needs, and shall review this data biennially in connection with budget development.

XI. Collecting and compiling data from school district evaluation programs for the purposes of monitoring local evaluation programs. This compiled data shall be reported to each school district to aid each district in improving their existing evaluation procedures. The department shall advise each school district as to the use of this data to improve the quality of their programs.

5 Appropriation. There is hereby appropriated the sum of \$225,000 for the fiscal year ending June 30, 1988, and the sum of \$225,000 for the



fiscal year ending June 30, 1989, to the department of education for the purpose of acquiring the staff and resources necessary to effect section 4 of this act.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews the board of education-general instruction for 6 years.

The bill, as amended, requires the board of education to establish guidelines for local evaluation programs. It also requires the department to compile data from testing programs and evaluation programs to aid local school districts in setting goals, improving their evaluation procedures and programs.

The bill, as amended, makes an appropriation of \$225,000 for each fiscal year for the department of education to acquire the staff and resources necessary to effect this act.

Referred to Appropriations.

HB 160-FN, relative to sunset review of postsecondary education commission - veterans education service. Ought to Pass with Amendment. This bill renews Postsecondary Education Commission - Veterans Education Service for 6 years. The amendment repeals RSA 188-D:27, which gave authority to form an advisory committee. Testimony revealed that this Advisory Committee had never been in place, and is not needed. Vote 17-0. Rep. Jacquelyn Domainque for Education.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to sunset review of postsecondary education commission - veterans education service and repealing the advisory committee.

Amend section 1 of the bill by replacing it with the following:

1 Sunset; Postsecondary Education Commission - Veterans Education Service Renewed. Postsecondary education commission - veterans education service, PAU 060202 (formerly board of education - veterans education service, PAU 060304), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend section 3 of the bill by replacing it with the following:

3 Repeal. RSA 188-D:27, relative to the advisory committee to advise the postsecondary education commission, is repealed.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews postsecondary education commission - veterans education service for 6 years. The amended bill also repeals the provision relative to an advisory committee to the postsecondary education commission.

HB 167-FN, relative to sunset review of the department of postsecondary vocational-technical education. Ought to Pass with Amendment.

The Committee voted unanimously that the Department of Postsecondary Vocational-Technical Education be continued for another six years. The amendment addresses the Sunset report relative to the adoption of rules, as required by RSA 188-F:4 and adopting rules and regulations under RSA 541-A and having them in place by October 15, 1987. It also requires the Board of Governors to complete their statewide marketing plan by October 15, 1987, and addresses an issuance of a joint report on the proposed use of Federal Vocational Funds. Vote 15-0. Rep. Patricia M. Skinner for Education.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Sunset; The Department of Postsecondary Vocational-Technical Education Renewed. The department of postsecondary vocational-technical education is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing all after section 2 with the following:

3 Rulemaking; Time Limit. The board of governors of the department of postsecondary vocational-technical education shall adopt rules as required by RSA 188-F:4, IV and present a copy of such rules on or before October 15, 1987, to the chairs of the house education committee, and the senate education committee, the speaker of the house, the president to the senate, and the governor.

4 Rules. Amend RSA 188-F:4, IV to read as follows:

IV. Adopt rules, under RSA 541-A, regulating the operations of the department and its institutions, including, but not limited to: [the rights and responsibilities of students.]

- (a) The rights and responsibilities of students.
- (b) Fees for services beyond tuition for instructional programs.
- (c) Admissions requirements.
- (d) Day and night school tuition fees.
- (e) Access to physical facilities.
- (f) Standardized management and administrative policies.
- (g) An expanded policy manual, including such areas as institutional employers' assignment policies, and standard requirements for physical plant maintenance programs and policies.
- (h) A comprehensive operational plan for the vocational-technical college system, including specific goals and objectives for the department as a whole as well as individual institutions.
- (i) Effective systemwide needs assessment and program planning systems.
- (j) A formal empirically based evaluation system for the department's instructional programs.
- (k) A formal permanent mechanism to exchange information between secondary and postsecondary vocational education, including training needs and responses to those needs.
- (l) A system for exchanging information with the university system of New Hampshire on non-degree programs under development.
- (m) After consultation with the commissioner, guidelines for establishing equality in the work load of the faculties of the colleges.

5 Marketing Plan. The board of governors of the department of postsecondary vocational-technical education shall complete the development of their systemwide marketing plan by October 15, 1987, and shall submit a copy of this plan to the chairs of the house education

committee, and senate education committee, the speaker of the house, the president of the senate, and the governor.

6 New Section; Annual Report and Appearance. Amend RSA 188-F by inserting after section 14 the following new section:

188-F:14-a Annual Report and Review.

I. The commissioners of the departments of education and postsecondary vocational-technical education shall issue a joint report annually on the proposed use and distribution of federal vocational funds. Such report shall be completed by October 15 of each year. A copy of this report shall be delivered to the chairs of the house education committee, and senate education committee, the speaker of the house, president of the senate, and the governor.

II. Each year the commissioner of postsecondary vocational-technical education, as well as one representative from the board of governors, and the president of each vocational-technical institution shall appear before the house appropriations committee and the senate finance committee to review the department's programs, cost analysis, and revenue projections.

#### AMENDED ANALYSIS

This bill renews the department of postsecondary vocational-technical education for 6 years.

The bill, as amended, requires the board of governors of the department to adopt rules in the areas recommended by the sunset committee by October 15, 1987.

The bill also require the board of governors to complete their systemwide marketing plan by October 15, 1987.

The commissioners of the departments of education and postsecondary vocational-technical education are required to issue a joint report on the proposed use of federal vocational funds. The commissioner of postsecondary vocational-technical education and certain other administrators from the department are required to appear before certain legislative committees to review the department's programs, cost analysis, and revenue projections.

HB 173-FN, relative to sunset review of the postsecondary education commission - nursing scholarship program. Ought to Pass with Amendment. This bill renews the Postsecondary Education Commission - Nursing Scholarship program for another 6 years. This bill, as amended, deletes the requirement that recipients of nursing scholarship loans have their notes endorsed by a responsible adult. The amendment also establishes a leveraged incentive grant program, within the Commission, to assist full-time undergraduate students. The Governor's proposed budget contains a line item entitled "Leveraged Incentive Grant" which contains \$400,000 in General Funds which will be matched by an equal amount of new college funds. Vote 17-0. Rep. Jesse F. Davis for Education.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to sunset review of the postsecondary education commission - nursing scholarship program, requirements for the nursing scholarship program, and a leveraged incentive program.

Amend section 1 of the bill by replacing it with the following:

1 Sunset; The Postsecondary Education Commission - Nursing Scholarship Program Renewed. The postsecondary education commission - nursing scholarship program is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing all after section 2 with the following:

3 Requirements; Nursing Scholarship Program. Amend RSA 188-D:16 to read as follows:

188-D:16 Requirements. Recipients shall be chosen only on the basis of financial need. Each loan recipient shall sign a note to the state treasurer for the amount of each payment. [The note shall be endorsed by a responsible adult.] The commission may require recipients to agree in writing to work as nurses in New Hampshire for a substantial period following completion of their training.

4 New Subdivision; Leveraged Incentive Grants. Amend RSA 188-D by inserting after section 32 the following new subdivision:

#### Leveraged Incentive Grants

188-D:33 Program Established. The New Hampshire leveraged incentive grant program is hereby established for the benefit of students pursuing programs of study at nonprofit accredited colleges within the state.

188-D:34 Administration of Program. The postsecondary education commission shall administer the New Hampshire leveraged incentive grant program in accordance with state rules and accounting procedures and shall have the authority to:

- I. Conduct the program authorized under this subdivision.
- II. Disburse moneys in accordance with the subdivision.
- III. Adopt rules under RSA 541-A relative to making grants and administering the program.

188-D:35 Grants; Discrimination Prohibited.

I. The postsecondary education commission shall make grants, which shall be matched dollar for dollar by institutional funds, to colleges for the purpose of assisting full-time undergraduate students. The distribution of funds to institutions shall be made on a fair and equitable basis by the postsecondary education commission in accordance with a formula developed by the commission.

II. No person shall be excluded from participation in, or denied the benefits of, this program because of race, color, age, sex or national origin.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews the postsecondary education commission - nursing scholarship program for 6 years. This bill, as amended, deletes the requirement that recipients of nursing scholarship loans have their notes endorsed by a responsible adult.

The amendment also establishes a leveraged incentive grant program within the commission, to assist full-time undergraduate students.

Referred to Appropriations.

HB 174-FN, relative to sunset review of postsecondary education commission - war orphans scholarships. Ought to Pass with Amendment. This bill re-establishes the War Orphans' Scholarship Program for six years. It is amended to require the Commission to make rules in accordance with RSA 541-A, provide for a modest increase (\$750 increase annually - maximum) for board, room, books and supplies for

each eligible recipient, and insure full tuition at state institutions of higher learning for those eligible. Vote 17-0. Rep. Linwood N. Purrington for Education.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Sunset; Postsecondary Education Commission - War Orphans Scholarships Renewed. Postsecondary education commission - war orphans scholarships is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 Tuition. Amend RSA 193:20 to read as follows:

193:20 Tuition. Said children shall be admitted to state college grade institutions at [reduced or] free tuition.

4 Payment. RSA 193:21 is repealed and reenacted to read as follows:

193:21 Payment. The amounts payable to recipients shall be determined by the commission and shall not be in excess of the amount specified in RSA 193:22. The commission shall determine the eligibility in accordance with rules adopted under RSA 541-A of the children who make application for the benefits provided for in this subdivision, provided that no member of the commission shall receive any compensation for such service.

5 Fund. RSA 193:22 is repealed and reenacted to read as follows:

193:22 Fund. Not more than \$1,000 shall be paid under the provisions of this subdivision to any one student in any one year, provided that no individual shall be eligible to receive such benefits for a period of more than 4 years.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews postsecondary education commission - war orphans scholarships for 6 years.

The bill as amended changes and clarifies the sections relating to eligibility and payment of benefits for scholarship recipients.

Referred to Appropriations.

HB 281-FN, establishing a study committee on teacher shortages and salaries. Ought to Pass.

This bill will allow study of an issue which has long been of concern to education professionals. It provides a mechanism to study the problem of teacher shortages as it relates to financial matters. The Committee believes the study is worthwhile, and hopefully will provide direction for future policy decisions. Vote 15-0. Rep. Karen O. Wadsworth for Education.

HB 410, providing for representatives from certain sending districts on school boards. Inexpedient to Legislate.

The Committee felt that this bill was not necessary and solution could be reached at local levels. Vote 18-0. Rep. Donna C. Kelly for Education.

HB 430, relative to school employees upon district reorganization. Re-Refer to Committee.

The Committee believes HB 430 raises issues relative to the welfare of children and teachers. These issues are not clear and need further study. Vote 18-0. Rep. Walter K. Robinson for Education.



HB 467-FN, changing the cost-sharing formula for the Tilton and Northfield union school district. Re-Refer to Committee.

The Committee recognizes that the school district has a problem which must be resolved. By re-referring this bill to Committee, it allows time for the district and the Department of Education to work out the situation, but permits the Committee to recommend legislation at a later time, if necessary. Vote 17-0. Rep. Charles B. Yeaton for Education.

HB 477-FN, relative to tuition for regional vocational education. Re-Refer to Committee.

The Committee felt that this bill had merit, but needed further study particularly on the indirect cost which is an integral part of the formula between the sending districts and the receiving district. Vote 18-0. Rep. Linda D. Long for Education.

HB 524-FN, creating a baccalaureate education system trust. Re-Refer to Committee.

This new concept of creating a baccalaureate education system trust is a most worthy concept and something that merits further in depth study. The University System is most interested in the BEST program and will work with the Committee and sponsors to see that a program of this type, establishing a trust for a child's New Hampshire college education by pre-purchasing tuition, has been given proper consideration. Vote 16-0. Rep. Patricia M. Skinner for Education.

HB 544-FN, increasing the limit on the state guarantee of bonds and notes of school districts. Ought to Pass.

The current limit of 45 million is far short of what is needed to meet the State's guarantee of 75% on school district bond financing. State guarantees enable local districts to save large amounts of money in interest costs. The Committee strongly supports the need to raise the limit to which the State may guarantee the bonds and notes of school districts. Vote 18-0. Rep. Karen O. Wadsworth for Education.

Referred to Appropriations.

HB 548-FN, relative to access to and use of child abuse records by schools for the purpose of investigating employees. Inexpedient to Legislate.

The Committee recognizes that the concerns of the sponsors are serious, but that this bill creates as many problems as it hopes to solve. The fiscal note states that the bill if passed would cost the State \$42,988, \$43,125, and \$44,337 in 1988, 1989, 1990 respectively. Vote 18-0. Rep. William A. Riley for Education.

HB 557-FN, relative to transportation by school buses. Inexpedient to Legislate.

The Committee feels that this bill raises serious questions with regard to the safety of those currently utilizing school bus transportation, and as such may create further problems for school districts with respect to liability. Vote 16-0. Rep. Jacquelyn Domainque for Education.

HB 658-FN, relative to the nursing scholarship program and private trade schools. Ought to Pass.

This bill is requested by the Postsecondary Education Commission. It raises the nursing scholarship program loan amounts for the first time in 10 years. It also broadens the definition of "other schools" to include tuition or fee changing institutions not otherwise covered

(such as modeling pageants, etc.). It will increase State expenditures by \$7,300 annually. Vote 15-0. Rep. William A. Riley for Education.

Referred to Appropriations.

HB 688-FN, allowing the Mascoma Valley regional school district to separate from school administrative unit 32. Re-Refer to Committee.

The Committee members felt there was some merit in the bill's provisions, but that the State Board of Education should have further opportunity to address and perhaps resolve the issues involved. Vote 18-0. Rep. Linwood N. Purrington for Education.

HB 543-FN, relative to siting of solid waste disposal facilities. Inexpedient to Legislate.

Issues raised will be addressed with HB 636. Vote 16-0. Rep. Bonnie Lou McCann for Environment and Agriculture.

HBI 2010, relating to the authority of solid waste management districts. Inexpedient to Legislate.

Please see report on HB 636. Vote 17-0. Rep. Robert B. Holmes, Jr. for Environment and Agriculture.

HBI 2013, relating to development of a comprehensive solid waste disposal plan. Inexpedient to Legislate.

Please see report on HB 636. Vote 17-0. Rep. Bonnie Lou McCann for Environment and Agriculture.

HB 636-FN, relative to solid waste management. Re-Refer to Committee. The number of bills entered relative to Solid Waste Management speak loudly to the importance of the subject. The Committee will use HB 636 as a vehicle to address the matters raised in individual bills with particular attention to long range strategies. Vote 16-0. Rep. Robert B. Holmes, Jr., for Environment and Agriculture.

HB 648-FN, relative to municipal hazardous waste disposal responsibilities and liabilities. Re-Refer to Committee. Consultation with the Attorney General's Office, the Judiciary Committee, the Municipal Association and others is necessary before proceeding with this complex matter. Vote 16-0. Rep. Barbara B. Bowler for Environment and Agriculture.

HB 654-FN, relative to dogs and cats. Ought to Pass with Amendment. This bill was requested by the Department of Agriculture. It will strengthen the penalties for violation of this act. Vote 13-0. Rep. Robert A. Daigle for Environment and Agriculture.

#### Amendment

Amend RSA 466:6-a, V-a as inserted by section 2 of the bill by replacing it with the following:

V-a. The commissioner of the department of agriculture or his designee is hereby authorized on his own initiative or pursuant to complaints of other persons to investigate any complaints made pursuant to this section and to enforce the penalties of RSA 466:6-a, VI. The commissioner shall adopt rules under RSA 541-A relative to the procedures for such investigations.

Amend the section heading for RSA 443-A:13 as inserted by section 4 of the bill by replacing it with the following:

## 443-A:13 Breeder's Health Certificate.

Amend RSA 443-A:13, V as inserted by section 4 of the bill by replacing it with the following:

V. In this section, "breeder" means any person who breeds cats for sale.

Amend RSA 443-A:13, VI as inserted by section 4 of the bill by replacing it with the following:

VI. The commissioner of the department of agriculture or his designee is hereby authorized on his own initiative or pursuant to complaints of other persons to investigate any complaints made pursuant to this section and to enforce the penalties of RSA 443-A:13, VII. The commissioner shall adopt rules under RSA 541-A relative to the procedures for such investigations.

HB 655-FN, relative to the testing of livestock in pulling contests. Ought to Pass with Amendment.

This bill addresses a problem in the enforcing penalties when a person is guilty of use of drugs in livestock in pulling contests. Bill requested by the Department of Agriculture. Vote 16-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

## Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Change. Amend the subdivision heading preceding RSA 436:86 to read as follows:

## [Equine Events] Livestock Events

2 Reference Changes. Amend RSA 436:86 and 87 to read as follows:

436:86 Doping and Stimulating. It is unlawful for any person to administer internally or externally a drug, stimulants, or appliances of a nature that could affect or alter the normal performance of an animal entered in [an equine] a livestock event. The term ["equine event"] "livestock event" as used in this subdivision shall include pulling contests, trail rides, carriage events, horse shows, races, dressage exhibitions, private and organized sales, and other competitive events involving ponies [or], horses, cattle, or oxen.

436:87 Test Authorized. The commissioner of agriculture may take such tests of the saliva, urine, blood, [or both] or all 3, of any animal entered in [an equine] a livestock event as he may deem necessary. If a drug is found in the chemical analysis of said saliva, [or] urine, or blood it shall be prima facie evidence that a drug has been administered.

3 New Section; Penalty. Amend RSA 436 by inserting after section 88 the following new section:

436:88-a Penalty. Within 14 days from the date test results in which a drug is shown to be present are received by the commissioner of agriculture, the commissioner shall notify the fair association or management of the livestock event and the owner of the tested animals of such results. In addition, the commissioner shall file charges with any law enforcement agency. Any person who violates any of the provisions of this subdivision or who violates any rules adopted under this subdivision, shall be guilty of a misdemeanor. Such person shall not be allowed to compete in pulling events in this state for a 2 year period from the date of conviction.

4 Repeal. The following are repealed:

I. RSA 436:88, relative to hearings, findings, and orders.

II. RSA 436:89, relative to ineligibility to participate pending decision.

III. RSA 436:91, relative to appeals.

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill includes cattle and oxen in the law prohibiting doping and stimulating of animals used in livestock events.

Under this bill, the commissioner of agriculture may test the blood of such an animal as well as the saliva or urine.

This bill, as amended, repeals certain sections on hearings and appeals concerning doping and stimulating of animals. This bill adds a penalty section making it a misdemeanor to violate the law prohibiting doping and stimulating of animals. No person convicted of such a misdemeanor shall be allowed to compete in pulling events for 2 years after conviction.

HB 656-FN, relative to cruelty to animals. Ought to Pass with Amendment.

This bill was requested by the Department of Agriculture to supervise, enforce and investigate laws pertaining to cruelty to animals. Vote 16-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 State Veterinarian; Power to Investigate Complaints of Cruelty to Animals. Amend RSA 436:8 to read as follows:

436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of the powers of the commissioner and shall have general charge of the enforcement of this chapter, and shall devote his entire time and attention to the duties of his office. The state veterinarian shall have the power to enforce the provisions of and investigate complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of domestic animals, as defined under RSA 436:1. In the event the commissioner becomes incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of that office during any such incapacity or until any such vacancy is filled. The commissioner may direct the state veterinarian to act for him in an official capacity whenever he may be absent from his duties.

#### AMENDED ANALYSIS

This bill, as amended, authorizes the state veterinarian to enforce laws pertaining to cruelty to animals and to investigate complaints relative to abuse of animals.

HB 143-FN, relative to sunset review of the department of fish and game law - law enforcement. Ought to Pass with Amendment.

The Fish and Game Committee agreed that the recommendations of the Sunset Committee be addressed and went further by establishing a Fish and Game Law Enforcement Study Committee to examine the Current Law Enforcement Program as directed in the amendment. Vote 17-0. Rep. Milton G. Jensen for Fish and Game.



## Amendment

Amend section 1 of the bill by replacing it with the following:

1 Sunset; The Department of Fish and Game - Law Enforcement Renewed. The department of fish and game - law enforcement, PAU 030104, is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend section 3 of the bill by replacing it with the following:

3 OHRV Registrations. The executive director of the fish and game department shall, by January 1, 1988, submit a report to the house committee on fish and game and the senate committee on development, recreation and environment. This report shall contain:

I. Alternatives to the current system of OHRV registrations to include a system of re-registration by mail and cost comparison to the current system.

II. Action being undertaken by the department to ensure a closer relation between estimated OHRV registrations for a given year and the number actually registered.

III. An analysis of the flow of revenue from OHRV registrations within the department and the specific costs of programs supported by these funds.

4 OHRV Education. The executive director of the fish and game department shall, by January 1, 1988, transfer responsibility for the OHRV education program to the information and education division of the fish and game department.

5 Law Enforcement. The executive director of the fish and game department shall develop and implement a plan to reduce the number of supervisory positions within the law enforcement division. The executive director shall report on progress in this area to the appropriate standing committees of the house and senate not later than January 1, 1988.

6 Law Enforcement Study.

1. There is hereby established a law enforcement study committee. The committee shall consist of 2 members of the senate, at least one of whom shall be a member of the committee on development, recreation and environment, appointed by the senate president; 2 members of the house of representatives, at least one of whom shall be a member of the committee on fish and game, appointed by the speaker of the house; one member of the fish and game commission appointed by the chairman of the commission; and 2 employees of the fish and game department, at least one of whom shall be a representative of the law enforcement division, appointed by the executive director. The committee shall examine the current fish and game law enforcement program including, but not limited to:

- (a) Fish and game department OHRV law enforcement procedures;
- (b) Local law enforcement agencies' role in OHRV law enforcement;
- (c) The role of other law enforcement entities in OHRV law enforcement;
- (d) The relationship of fish and game law enforcement to other conservation and resource protection enforcement programs; and
- (e) Equipment policies of the fish and game department in support of law enforcement efforts.

II. The committee shall report its findings to the president of the senate and the speaker of the house of representatives by November 1, 1988.

7 Effective Date. This act shall take effect upon its passage.



## AMENDED ANALYSIS

This bill renews the fish and game department - law enforcement for 6 years.

The bill, as amended, requires the executive director of fish and game to report to the appropriate standing committees on OHRV registrations and establishes a committee to study the law enforcement division of the fish and game department.

The bill directs the executive director of the department to transfer the OHRV education program to the information and education division of the department, and to implement a plan to reduce the number of supervisory positions in the law enforcement division.

HB 692-FN, establishing an involuntary treatment task force. Ought to Pass.

This bill establishes a task force to study and make recommendations regarding treatment of persons who are involuntarily admitted into the current Mental Health Services system. The task force shall study current laws and shall receive input from providers and consumers of Mental Health Services. The Committee is concerned about current laws relative to the involuntary treatment of the mentally ill persons are unclear regarding when the State may authorize involuntary medical treatment of certain patients in the Mental Health Services system. Even current news reports have made the general public aware of this problem. Vote 19-0. Rep. Ann M. Derosier for Health and Human Services.

HB 547, relative to medicaid fraud and patient abuse. Ought to Pass. House Bill 547 was asked for by the Director of the Division of Medicaid Fraud in the Attorney General's Office. It has no money request involved, but should save Medicaid funds to be used for care of the people that the funds were intended to care for. The Committee voted 19-0 to pass this bill and put it on the books as soon as possible to provide better care to our elderly frail and disabled population. Rep. Gertrude I. Butler for Health and Human Services.

HB 390, relative to damages recoverable for non-economic loss in personal actions. Re-Refer to Committee.

The Committee feels that action on this bill should be withheld until the Senate proposal is heard and the Tort Law Commission has had the opportunity to report on this issue. Vote 13-3. Rep. Thomas U. Gage for Judiciary.

HB 403-FN, clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations. Ought to Pass with Amendment.

This bill, as amended, would give district courts concurrent jurisdiction over land use ordinance violations. This will give cities and towns enhanced ability to enforce their planning and zoning ordinances. Vote 15-0. Rep. Thomas U. Gage for Judiciary.

## Amendment

Amend the introductory paragraph of RSA 502-A:11-a, I as inserted by section 2 of the bill by replacing it with the following:

I. The district court shall have concurrent jurisdiction, subject to appeal, of the prosecution by a municipality of any violation of a local ordinance, code, or regulation properly adopted pursuant to

enabling statutes, including RSA 672-677, but not including RSA 31, 41, 47, 52, 147, 149-I, 155, 155-E, 236, and 424, to the extent that violation of such local ordinance, code, or regulation, by its terms or by applicable statute:

#### AMENDED ANALYSIS

This bill, as amended, gives the district courts concurrent jurisdiction, in certain instances, of the prosecution by a municipality of any violation of a local ordinance, code, or regulation adopted pursuant to certain enabling statutes. The court's jurisdiction includes the granting of temporary restraining orders in cases of alleged violations. The district court's original jurisdiction includes, but is not limited to, alleged violations of local land use or planning and zoning ordinances.

HB 411-FN, relative to DWI penalties and sentencing. Re-Refer to Committee.

This bill deals with the same subject matter as SB 219. The Committee feels this bill should be re-referred to Committee to have time for comparison with the alcohol education program provided for in SB 219. Vote 12-0. Rep. C. William Johnson for Judiciary.

HB 445, relative to the taking of depositions by criminal defendants. Inexpedient to Legislate.

The Committee feels that the current practice is adequate to meet any possible abuses and that the bill's approach is far too heavyhanded in view of the adequacy of current remedies. Vote 11-2. Rep. David E. Cote for Judiciary.

HB 455, relative to criminal mischief. Ought to Pass.

This bill corrects 1986 change in the law which put the court in the position of changing a series of misdemeanors into a felony charge in cases of a common scheme joined in aggregate. This bill provides for a felony charge to be charged by the prosecutor in a common scheme involving a series of similar crimes. Vote 12-0. Rep. Alf E. Jacobson for Judiciary.

HB 478-FN, relative to court-ordered counseling. Re-Refer to Committee.

This bill deals with the same subject matter as SB 219. The Committee feels this bill should be re-referred to Committee in order to have time for comparison with SB 219. Vote 13-0. Rep. C. William Johnson for Judiciary.

HB 485, relative to the issuance of warrants. Inexpedient to Legislate.

It was brought to the Committee's attention, that although this bill applies to all violations, the problems shown to the Committee were only related to motor vehicles. Realizing that there is a problem, it is doubtful that this piece of legislation would solve it, and could possibly cause some litigation problems. Vote 14-1. Rep. Patricia R. Dwyer for Judiciary.

HB 510, relative to blood alcohol testing in the event of a motor vehicle fatality. Re-Refer to Committee.

The issue is can someone's blood samples be taken without permission when, as a result of an accident, there is a fatality. The Committee feels a serious problem exists and action should be taken to determine if an accident resulting in a fatality may have occurred because of an alcohol or drug abuse situation. The Committee feels this problem should be further studied. Vote 14-0. Rep. C. William Johnson for Judiciary.

HB 594-FN, establishing a victims' assistance program and a victims' assistance fund. Re-Refer to Committee.

The Committee voted by a margin of 12-0 to recommend re-referral because one provision of this bill already is included in another bill (HB 288) already passed by this House on March 5. The other provisions of this bill require rewriting and additional testimony should be considered before a final recommendation is made. Rep. Francis E. Robinson for Judiciary.

HB 602-FN, allowing a limited privilege driver's license to be issued after certain DWI license revocations. Re-Refer to Committee.

The section of the bill that allows for a hearing after the first 18 months of license revocation seemed to have a great deal of support. However, the confusion arose with the "limited license." The Committee feels more time is necessary to address these concerns. Vote 14-2. Rep. Donnalee M. Lozeau for Judiciary.

HB 456-FN, relative to interference with burial grounds and unlawful possession or sale of gravestones. Ought to Pass with Amendment.

In many cases, gravestones and appurtenant artifacts in New Hampshire cemeteries are the work of renowned colonial stone masons. They provide a connecting link to the earliest days of New Hampshire, and they are irreplaceable. This legislation, as amended, which becomes effective on passage, imposes severe penalties upon those who steal or sell gravestones or parts thereof, or other graveside items, or otherwise desecrate the resting place of our forefathers and our families. Vote 11-0. Rep. Alfred Ellyson for Public Protection and Veterans Affairs.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Interference with Burial Grounds; Unlawful Possession or Sale or Damage of Gravestones. Amend RSA 635 by inserting after section 5 the following new subdivision:

#### Cemeteries, Burial Grounds, Gravestones

635:6 Interference With Cemetery or Burial Ground.

1. No person, without the written authorization of the owner of a burial plot, or the lineal descendent of the deceased, if such owner or lineal descendant is known, or the written authorization of the governing board of the municipality in which the burial plot lies, if the owner or lineal descendant is unknown, shall:

(a) Purposely or knowingly destroy, mutilate, injure or remove any tomb, monument, gravestone, marker, or other structure, or any portion or fragment thereof, placed or designed for a memorial of the dead, or any fence, railing, gate, curb, or plot delineator or other enclosure for the burial of the dead.

(b) Purposely or knowingly disturb the contents of any tomb or grave in any cemetery or burial ground.

11. The governing board of the municipality in which the burial plot lies shall not grant approval for the removal or disturbance of a tomb, monument, gravestone, marker, or plot delineator without first giving 30 days' notice, along with a report of the full circumstances, to the division of historical resources, that such approval has been requested. The governing board of the municipality shall maintain a record of the date, circumstances, and disposition of the request for removal or disturbance.

635:7 Unlawful Possession or Sale of Gravestones and Gravesite Items. No person shall possess or sell, offer for sale or attempt to

sell, or transfer or dispose of any monument, gravestone, marker, or other structure, or any portion or fragment thereof, placed or designed for a memorial of the dead, or any fence, railing, gate, plot delineator, or curb, knowing or having reasonable cause to know that it has been unlawfully removed from a cemetery or burial ground.

635:8 Penalties. Any person who is convicted of an offense under RSA 635:6 or 635:7 shall be guilty of a class B felony, and shall be ordered by the court to make restitution for damages resulting from the offense and for replacement of removed items.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill, as amended, provides that any person who interferes with a burial ground without permission from the appropriate authorities or unlawfully possesses, offers for sale, or sells a gravestone or gravesite item shall be guilty of a class B felony and ordered to make restitution.

HB 562-FN, relative to fireworks. Ought to Pass with Amendment. This bill provides a much needed updating of statutes relating to "fireworks, originally enacted in 1944," which are hereby repealed. HB 562 allows the Director of the State Police to adopt rules relative to all aspects of the sale, storage, handling, use and transportation of fireworks, and to give "competency examinations" for handlers of Class B fireworks. Additionally, because fireworks are potentially dangerous to persons and property, control is vested in local officials to assure that fireworks displays, and the use of fireworks handled by individuals on home property are performed only by "competent operators" at least 18 years of age. Exceptions to the statutes are outlined, as well as penalties for violation. Vote 11-0. Rep. David A. Welch for Public Protection and Veterans Affairs.

#### Amendment

Amend RSA 158:9-c, VI as inserted by section 2 of the bill by replacing it with the following:

VI. There shall be a fee of \$5 for any competency examination or renewal certificate given by the director of state police for any license issued under this subdivision.

Amend RSA 160-A:2, I(b) as inserted by section 4 of the bill by replacing it with the following:

(b) The sale of class C fireworks to an individual for use upon his property, the possession of class C fireworks by an individual for use upon his property, or the display of class C fireworks by an individual upon his property.

HB 131-FN, relative to sunset review of the state liquor commission - office of the commissioner/administration. Ought to Pass.

The Committee, after considering testimony, voted to renew the State Liquor Commission - Office of the Commissioner/ Administration for 6 more years. Vote 18-0. Rep. Robert N. Kelley for Regulated Revenues.

HB 132-FN, relative to sunset review of state liquor commission - office of the commissioner/regulation. Ought to Pass.

The bill to renew State Liquor Commission - Office of the Commissioner/Regulation for 6 more years was deemed appropriate by the Committee. Vote 18-0. Rep. Robert N. Kelley for Regulated Revenues.

HB 134-FN, relative to sunset review of state liquor commission - warehouse. Ought to Pass.

The Committee, after deliberating on this bill, voted to renew the State Liquor Commission - Warehouse for 6 more years. Sunset report was favorable. Vote 18-0. Rep. Robert N. Kelley for Regulated Revenues.

HB 491, relative to the police powers of safety inspectors and bingo and lucky 7 inspectors. Inexpedient to Legislate.

The subject matter in this bill is being addressed by HB 526 which makes this bill unnecessary. Vote 17-0. Rep. Lynn C. Horton for Regulated Revenues.

HB 555-FN, allowing social clubs and sports clubs to sell lucky 7 tickets and raising the license application fee. Ought to Pass with Amendment.

The Committee felt this bill would aid the licensees to have better control on the sale of lucky 7 tickets. Vote 17-0. Rep. Robert R. Blaisdell for Regulated Revenues.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to lucky 7 tickets sold by dispenser devices.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Dispenser Devices; Lucky 7. Amend RSA 287-E:21 by inserting after paragraph III the following new paragraph:

III-a. Lucky 7 tickets may be sold by dispenser devices approved by the commission and located at the regular meeting place of, or at a facility owned, leased, or utilized by, the licensee for its activities.

2 New Paragraph; Dispenser Devices; Exception. Amend RSA 647:2 by inserting after paragraph VI the following new paragraph.

VII. This section shall not apply to dispenser devices approved by the sweepstakes commission which are located at the regular meeting place of, or at a facility owned, leased, or utilized by, a charitable organization licensed under RSA 287-E:20.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, allows, subject to certain restrictions, charitable organizations licensed under RSA 287-E:20 to sell lucky 7 tickets from dispenser devices. Operation of such devices in such circumstances shall not be a violation of RSA 647:2, relative to gambling devices.

HB 461, relative to the corporate relations between electric power generators and distributors. Re-Refer to Committee.

This bill provides for a complete restructuring of the State's electric utility industry by severing all generating plants from the transmission/distribution monopolies. Testimony from Public Service Company of New Hampshire, the Consumer Advocate of the Public Utilities Commission, and the sponsor all agreed that the concept has merit and is worthy of further study. The bill is complex and needs detailed review. Vote 10-0. Rep. Susan Schwartz for Science, Technology and Energy.



HB 616-FN, limiting condominium conversions if vacancy rate is low. Re-Refer to Committee.

The Committee recognizes that our local municipalities are facing a major shortage of rental units because of the rapid move toward condominium conversions. It believes that this bill has merit, but it requires some additional input and fine tuning from local communities as to the extent and nature of local control over the issue of limiting condominium conversions within their borders. Vote 10-0. Rep. Deborah L. Arnesen for State Institutions and Housing.

HB 617, establishing the affordable housing fund within the New Hampshire housing finance authority. Re-Refer to Committee.

The Committee considers the establishing of a housing fund has merit and is well within the financial ability of the New Hampshire Housing Authority to become a partner in developing low and moderate income housing. However, additional time is needed to amend and fine tune the basic parts of the bill. Additions to the bill from other bills presently re-referred to Committee contain parts which are felt could be incorporated in this bill which would result in an overall stronger bill. Vote 10-0. Rep. Mildred S. Ingram for State Institutions and Housing.

#### COMMITTEE REPORTS (Regular Calendar)

HB 349-FN-A, relative to special education and certified programs for children and youth in out-of-home placements and making an appropriation therefor. Ought to Pass with Amendment.

After careful consideration of all aspects of HB 349, the Committee has produced an amendment that addresses the areas it felt could be implemented at this time. The educational components that were originally in this bill are now in HB 318. As amended, this bill provides a statement of intent, rate-setting, a certification process, authority for the counties to collect payments and court accountability. It also creates statutory authority for a wilderness facility and an operating budget clarification for a female residential facility at the Youth Development Center. Vote 17-2. Rep. Monte D. Rehlander for Children, Youth and Elderly Affairs.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to special education and certified programs  
for children and youth in out-of-home placements.

Amend the bill by replacing all after the enacting clause with the following:

#### 1 Statement of Purpose.

I. The legislature recognizes the need for the state to certify all providers of services, placements and programs for children who are delinquent, abused or neglected, or in need of services. The aims of such certification should be to avoid unnecessary duplication of efforts, to prevent unreasonable cost increases, and to allow for efficient use of available resources.

II. To achieve these aims, the state must have clear standards and procedures to assure quality and to assess need for these services, placements, and programs.

2 Committee to Study Issues. The house standing committee on children, youth and elderly affairs shall continue to study, during the interim of 1987, all aspects of services provided to children through the division for children and youth services, and shall propose in the 1988 session any legislation to address these issues, as the committee deems advisable.

3 New Paragraph; Clarification of Liability Proceedings for Juvenile Delinquents. Amend RSA 169-B:40 by inserting after paragraph IV the following new paragraph:

V. The county which is responsible for reimbursing the state under paragraph IV is authorized to collect, on behalf of the division, payments from persons or entities which are ordered to reimburse the division under paragraph I, or which are chargeable by law for the minor's support and necessities. Any amounts collected by the county pursuant to this paragraph shall be forwarded to the division, which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV.

4 New Paragraph; Clarification of Liability Proceedings for Abused or Neglected Children. Amend RSA 169-C:27 by inserting after paragraph IV the following new paragraph:

V. The county which is responsible for reimbursing the state under paragraph IV is authorized to collect, on behalf of the division, payments from persons or entities which are ordered to reimburse the division under paragraph I, or which are chargeable by law for the minor's support and necessities. Any amounts collected by the county pursuant to this paragraph shall be forwarded to the division, which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV.

5 New Paragraph; Clarification of Liability Proceedings for Children in Need of Services. Amend RSA 169-D:29 by inserting after paragraph IV the following new paragraph:

V. The county which is responsible for reimbursing the state under paragraph IV is authorized to collect, on behalf of the division, payments from persons or entities which are ordered to reimburse the division under paragraph I, or which are chargeable by law for the minor's support and necessities. Any amounts collected by the county pursuant to this paragraph shall be forwarded to the division, which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV.

6 New Chapter; Court Ordered Placements. Amend RSA by inserting after chapter 169-E the following new chapter:

#### CHAPTER 169-F COURT ORDERED PLACEMENTS

169-F:1 Purpose and Application of Chapter. This chapter shall apply to any court ordered placement of any minor pursuant to RSA 169-B or any child pursuant to RSA 169-C or RSA 169-D, for the purposes of the effective implementation of any such placement.

169-F:2 Written Findings Required Under Certain Circumstances. In cases in which the court has requested but does not follow a case plan or written recommendation from the division for children and youth services, the court shall issue written findings explaining why the case plan or recommendation was not followed. This section shall apply only to a case plan or written recommendation containing an out-of-home placement in a facility which has been licensed and certified under RSA 170-G:4, XV.

169-F:3 Notification to the Division for Children and Youth Services. If, at any phase of the proceedings, the court contemplates ordering services or placement for a minor or a child, the court, prior to ordering such services or placement, shall notify the division for children and youth services and shall afford the division an opportunity to be heard on the issue of appropriateness of the services or placement.

7 New Paragraph; Experiential/Wilderness Facility Defined. Amend RSA 170-E:1 by inserting after paragraph XII the following new paragraph:

XIII. "Experiential/wilderness facility" means a child care institution which regularly provides specialized care and training in daily living for more than 12 children but fewer than 56 children, and meets the standards established by the commissioner by rule under RSA 170-E:9, I(a).

8 Rate Setting. RSA 170-G:4, XVII is repealed and reenacted to read as follows:

XVII. Establish rates for all services, placements and programs which are paid for by the division pursuant to RSA 169-B:40, 169-C:27, 169-D:29, and any services required to be provided by the division pursuant to section II of this statute. When educational aspects are present in any service, placement or program subject to rate-setting by the division, rates for the educational component shall be addressed jointly by the division and the department of education.

9 New Paragraphs; Certification and Information Dissemination. Amend RSA 170-G:4 by inserting after paragraph XVII the following new paragraphs:

XVIII. Certify all providers of services, placements and programs which are paid for by the division pursuant to RSA 169-B:40, 169-C:27, 169-D:29, and any services required to be provided by the division pursuant to paragraph II of this section. Each certification issued for this purpose shall have 2 components: one based upon standards of quality and performance, and one based upon the need the state may have for such service, placement or program. When educational aspects are present in any service, placement or program subject to certification by the division, certification for the educational component shall be addressed jointly by the division and the department of education.

XIX.(a) Provide copies of the statewide service plan developed under RSA 170-G:4, IV to all persons on a mailing list developed by the division for this purpose, including:

- (1) All political subdivisions of the state.
- (2) All providers of services to children, both public and private.
- (3) Community service program providers.
- (4) Any other persons who request inclusion on the

list.

(b) Disseminate to all persons on the above mailing list descriptions of those needs addressed by the statewide service plan which have not yet been met by existing programs. The division shall make such mailings as the need arises, as often as the division deems appropriate.

10 Operating Budget Clarification. The appropriation in 1985, 406:1,05,02,03,05,08 includes a maximum of \$650,000 in fiscal year 1986 and \$675,000 in fiscal year 1987 for expenses related to the female residential facility to be built on a portion of the parcel of state-owned land in Manchester upon which the Youth Development Center is situated. Said appropriation may be expended for appropriate juvenile placements and shall not lapse until such time as the facility is available for occupancy.

11 Effective Date.

I. Sections 1-9 of this act shall take effect 60 days after its passage.

II. Section 10 of this act shall take effect upon its passage.

1881B

#### AMENDED ANALYSIS

The bill, as amended, specifies the procedure for counties to follow when the county has to reimburse the state for a portion of payments ordered for delinquent children, abused and neglected children, and children in need of services.

A new chapter requires a court to make written findings in certain placement proceedings, and to notify the division of children and youth services (DCYS) of its intention to order services.

The amendment adds a statutory definition for "experiential/wilderness facility".

This bill also gives the DCYS the duty to certify placements, programs and services provided to children for whom the division has been given responsibility by a court. The amendment gives the DCYS the duty to set rates for these services, placements and programs.

The bill, as amended, requires the DCYS to distribute copies of its statewide service plan, as well as periodic descriptions of needs not met by this plan.

Section 9 of the bill specifies that amounts appropriated for fiscal years 1986 and 1987 for a female residential facility may be used for juvenile placements and shall not lapse until the facility is ready for occupancy.

The bill also requires the house committee on children, youth and elderly affairs to further study services provided for children through the DCYS and to propose any necessary legislation in the 1988 session.

Amendment adopted.

Rep. Emma Wheeler offered an amendment.

#### Amendment

Amend RSA 169-F:2 as inserted by section 6 of the bill by replacing it with the following:

169-F:2 Written Findings Required Under Certain Circumstances. In cases in which the court has requested but does not follow a case plan or written recommendation from the division for children and youth services, the court shall issue written findings explaining why the case plan or recommendation was not followed. This section shall apply only to a case plan or written recommendation containing an out-of-home placement in a facility which has been licensed and certified under RSA 170-G:4, XVIII.

Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Emma Wheeler explained the amendment.

Amendment adopted.

Referred to Appropriations.

HB 527-FN, relative to prompt payments by the state. Re-Refer to Committee.

After hearing much testimony the Committee acknowledges that there is a problem of tardy payments by the State. The Treasurer's Office has assured the Committee that a complete audit will be done of the system and action will be taken to correct the serious situation. The Committee requests this bill be re-referred to Committee so that action can be taken, if needed, next session. Vote 18-2. Rep. Raymond C. Buckley, II, for Commerce, Small Business and Consumer Affairs.

Report adopted.

HB 542, relative to preferred provider agreements. Ought to Pass. House Bill 542 tightens up the present law. It was felt by the majority of the Committee that the new language will offer better protection for the consumers of this kind of health care delivery. A preferred provider organization is one of the recommended ways to achieve progress in health care cost containment. Vote 14-6. Rep. Sara M. Townsend for Commerce, Small Business and Consumer Affairs.

Ordered to third reading.



HB 550-FN, regulating investment promoters. Ought to Pass with Amendment.

This bill requires that anyone who gives investment advice no matter what they call themselves come under the jurisdiction of RSA 421. Vote 13-4. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend RSA 421-B:2, IX as inserted by section 1 of the bill by replacing all after subparagraph (g) with the following:

(h) Any real estate broker who does not promote or sell any interest in any limited partnership.

[g] (i) Such other persons not within the intent of this paragraph as the commissioner may by rule or order designate.

#### AMENDED ANALYSIS

This bill, as amended, includes within the definition of investment advisor those who advise others, either directly or through publications or writings, as to the value of investments or as to the advisability of making investments or who, for compensation and as a part of a regular business, issue or promulgate analyses or reports concerning investments. Those persons who deal exclusively with insurance are not included within the definition of investment advisor.

In addition, any real estate broker who does not promote or sell any interest in any limited partnership is not included within the definition of investment advisor.

Amendment adopted.

Ordered to third reading.

HB 553-FN, providing health insurance to the indigent. Re-Refer to Committee.

The Committee realized that there is a serious problem regarding health care for the indigent, but felt that it need not pass a law for a council to be established. The Committee feels the Governor should be able to do this. The motion re-refer was adopted to make sure the option remains open for further action during this session. Vote 15-2. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

Report adopted.

HB 598-FN, to elect the members of the public utilities commission. Inexpedient to Legislate.

The Committee felt the 3 Commissioners were sufficient and that the public should not make the decision and it thought it best to leave as is. Vote 16-3. Rep. Lucille T. Wood for Commerce, Small Business and Consumer Affairs.

Rep. Cressy moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to her motion.

(Speaker in the Chair)

Rep. Fraser spoke against the motion.

A roll call was requested. Sufficiently seconded.



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YEAS 61

BELKNAP: Maviglio.

CARROLL: None.

CHESHIRE: Blacketor, Clark, Daschbach, Doucette, Frink and LaMar.

COOS: Brady, Coulombe, Guay, Mayhew and Oleson.

GRAFTON: Crystal.

HILLSBOROUGH: Baker, Baldizar, Cote, Gerard Desrochers, Donovan, Dupont, Gagnon, Genest, Scott Green, Betty Hall, Donna Kelly, Lefebvre, Long, Morrisette, Price, Reardon, Reidy, Sullivan, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Burton Knight and Tupper.

ROCKINGHAM: Carpenito, Cressy, Cushing, Drake, Thomas Gage, Hynes, Joyce, McGovern, Pantelakos, Pevear, Read, Sanderson, Sherburne, Splaine and Weddle.

STRAFFORD: Callaghan, Casey, Albert Dionne, Lachance, McManus, Pelley, Spear and Ralph Torr.

SULLIVAN: McKee and Normandin.

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BELKNAP: Richard Campbell, Dexter, Golden, Malcolm Harrington, Hawkins, Holbrook, Jensen, Locke, Pearson, Lawrence Richardson, Turner and Wixson.

CARROLL: Allard, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers and Schofield.

CHESHIRE: Jesse Davis, Delano, Irvin Gordon, Grodin, Matson, Miller, Morse, Perry, Pierce, Ramsay, William Riley, Sawyer, Schwartz and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Horton, Kilbride, Marsh, Nelson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Densmore, Driscoll, Hammond, Michael King, Wayne King, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Wadsworth, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Beaupre, Bourque, Boutwell, Bowers, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cowenhoven, Cox, Cusson, Daigle, Ann Derosier, William Desrosiers, Paul Dionne, Domaingue, Drolet, Dube, Dwyer, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Frank, Granger, Grip, Guilbert, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Korcoulis, Kurk, Levesque, Lown, Lozeau, Mason, Bonnie McCann, Messier, Moore, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Perham, Pignatelli, Prestipino, Herbert Richardson, Ellen-Ann Robinson, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler, Kenneth Wheeler, Winn and Wood.

MERRIMACK: Asplund, Austin, Bardsley, Beaton, Laurent Boucher, Cahill, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hayes, Mary Holmes, C. William Johnson, Kidder, Lewis, Lockwood, Merton Mann, Nichols, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Walter Robinson, Gerald Smith, Stio, West, Whittemore and Yeaton.

ROCKINGHAM: Barnes, Benton, Blaisdell, Blanchard, Bucu, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cooke, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Gosselin, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, William F. McCain, McKinney, Newell, Palumbo, Parr, Ritzo, Rosencrantz, Seward, Simon, Skinner, Sochalski, Sytek, Tilton, Tufts, Vartanian, Walker, Warburton, Welch, Wells, Woodward and Wright.

STRAFFORD: Bates, Bernard, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Laurion, Martling, Musler, Parks, Proulx, Swope, Ann Torr, Wall and Wilson.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Ingram, Krueger, Lindblade, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Resolution adopted.

HB 681-FN, relative to ticket scalping. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The Committee felt this was not hurting anyone and agencies have to make a little profit. Mandating is not the Committee's priority and voted Inexpedient to Legislate. Vote 14-4. Rep. Lucille T. Wood for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: Though members of the Committee feel that the industry should set standards and the law cannot be enforced, the other New England states have such laws and are being enforced sufficiently. These "businessmen" are providing a service, but taking the customer for a ride. Reps. Michael H. Carpenito, Sara M. Townsend, Bonnie B. Packard and George H. Baker, Sr., for the Minority of Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 177-FN, relative to sunset review of veterinary/medical/optometric education program. Ought to Pass with Amendment.

The purpose of this bill is to remove optometry from the capitation program. When this bill passes from the House to the Senate, an amendment will be proposed to grandfather the existing students through 1991 as long as they remain in good standing and until they graduate or terminate their attendance. Vote 16-1. Rep. Mable G. Cutting for Education.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to sunset review of veterinary/medical/optometric education program and amending such program.

Amend the bill by replacing all after the enacting clause with the following:

1 Sunset; Veterinary/Medical/Optometric Education Program, As Amended, Renewed; Optometric Deleted. Veterinary/medical/optometric education program, as amended by this act to the veterinary/medical education program, is hereby renewed to comply with RSA 17-G. The program shall terminate on July 1, 1991, in conformity with RSA 17-G:5, II, subject to RSA 17-G.

2 Effect of Later Enactments. Passage of this act renewing the amended veterinary/medical education program shall not limit any subsequent legislative action affecting this program. The general court shall retain its full power to make amendments to or terminate veterinary/medical education program, pursuant to RSA 17-G:9.

3 Termination Schedule; Veterinary/Medical Educational Program; Deleting Optometric. Amend RSA 17-G:5, II, to read as follows:

11. The program established for veterinary[,] and medical [and optometry] students by RSA 200-J shall be reviewed in accordance with the provisions of this section except that such review shall be accomplished every 4 years rather than every 6 years. The program established by RSA 200-J shall be terminated no later than July 1, [1983] 1991, unless a contrary vote shall be registered. If the program shall be terminated, those already enrolled therein shall be permitted to complete their program in accordance with the provisions of RSA 200-J:4.

4 Title, Chapter 200-J; Deletion of Optometric. Amend the title of chapter 200-J to read as follows:

CHAPTER 200-J  
VETERINARY/MEDICAL[/OPTOMETRIC]  
EDUCATIONAL PROGRAM

5 Purpose; Veterinary/Medical Educational Program. Amend RSA 200-J:1 to read as follows:

200-J:1 Purpose. It is the intent of the general court to assure, to the greatest extent possible, the admission of qualified New Hampshire residents to educational institutions providing programs of instruction leading to the acquisition of doctoral degrees in allopathic medicine[,] and veterinary medicine [and optometry].

6 Agreements Authorized; Deletion of Reference to Optometric. Amend RSA 200-J:2, IV and V, to read as follows:

IV. The contracts provided for in paragraphs I[,] and II [and III] of this section shall provide for the enrollment of not more than 5 students each for veterinary[,] and medical [and optometric] school for each class year. An appropriate sum shall be paid yearly for each student so enrolled. The actual amount paid per student shall be subject to the amount appropriated each biennium for this purpose by the general court and the specific contract negotiated with each institution by the post-secondary education commission.

V. There shall be included in each contract with a medical[,] or veterinary[, or optometric] school a provision stating that the capitation payment to be made by New Hampshire for a slot in the school shall not increase for the student filling that slot; that the amount paid for a slot filled by a particular student shall remain the same as long as that particular student shall remain the student filling that slot.

7 Agreements Authorized; Veterinary/Medical Educational Program. Amend RSA 200-J:2, IX to read as follows:

IX. Upon application by each student seeking admission to veterinary[,] or medical [or optometry] school under this plan, the post-secondary education commission shall certify to the school applied to whether such student is a resident of New Hampshire in accordance with the definition of "resident" established by the board of trustees of the

university of New Hampshire and the guidelines established by such trustees to determine if a student is a resident; provided, however, that an applicant shall be eligible for such assistance only if he has been domiciled in this state for at least 12 months prior to submitting an application for assistance. The post-secondary education commission shall [promulgate] adopt such rules [and regulations] as are reasonable and necessary to make certain that the benefits of this chapter are afforded only to bona fide residents.

8 State Obligation; Veterinary/Medical Educational Program. Amend RSA 200-J:4 to read as follows:

200-J:4 State Obligation. Any note signed by a student prior to his entry upon a program leading to a medical[, ] or veterinary [or optometry] degree shall include a section obligating the state to continue paying the capitation fee for that student as long as he shall be making normal progress toward graduation or until he shall have graduated.

9 Repeal. The following are repealed:

I. RSA 200-J:2, III, relative to the authority of the governor to enter into agreements concerning optometric education.

II. RSA 200-J:2, VIII, relative to the number of students which may be enrolled for each class year in all schools which contract to provide optometric education.

10 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, deletes the optometric portion of the veterinary/medical /optometric educational program. The remaining portions of such program are renewed for 4 years instead of 6, in accordance with current law, RSA 17-G:5, II.

Amendment adopted.

Ordered to third reading.

HB 507, making English the official language of the state of New Hampshire. Inexpedient to Legislate.

New Hampshire law currently states that for the instruction of children in both public and private schools "the English Language shall be used exclusively" (RSA 189:19). The current law is explicit in its intent to have English Language prevail, and the Committee therefore feels that HB 507 is unnecessary. Vote 15-1. Rep. Jacquelyn Domaingue for Education.

Resolution adopted.

HB 610-FN, relative to student protection. Inexpedient to Legislate. The Committee felt that this bill had many loopholes in it and also the legal involvement which it would bring forth would end up costing districts a great amount of money. Vote 15-0. Rep. Donna C. Kelly for Education.

Resolution adopted.

HB 631-FN, relative to waivers from school lunch programs for school districts. Inexpedient to Legislate.

Existing law, RSA 189:11-a, covers this measure and gives school districts a right to petition the State Department of Education for a waiver, on a school lunch program. Vote 12-6. Rep. Patricia M. Skinner for Education.

Resolution adopted.

HB 645-FN, relative to school building aid. Re-Refer to Committee. The intent of the bill is meritorious, but needs more time and further study to make sure that AREA and Cooperative Schools are included in any adjustments according to the incentive policy that is in existing statutes. This bill will increase State expenditures by \$1,189,253 in FY 1989 and each year thereafter. Local revenues would increase by \$1,189,153 in FY 1989 and each year thereafter. Vote 12-6. Rep. William J. Hounsell for Education.

Report adopted.

HB 661-FN, changing the name of the department of postsecondary vocational-technical education. Ought to Pass.

The majority of the Committee agreed there is great merit in removing the word "vocational" from the name of the Department of Postsecondary Vocational-Technical Education and the Vocational-Technical Colleges. This is supported by the Commissioner of the Department of Postsecondary Vocational-Technical Education, the Presidents of the colleges, and all but one member of the Board of Governors. The public often confuses the Vocational Technical Colleges with the Vocational Skill Centers at the high schools. This bill would decrease some of that confusion. Given that the number graduating high school students is projected to drop between 1977 and 1992 from 12,228 to 8,066 or (38%), changing the name made sense to the Committee as a marketing technique. Improving the marketing ability of the Department of Postsecondary Vocational-Technical Education can only improve education for the students of our state and possibly save both students and the state revenues. Vote 10-6. Rep. E. Jane Walker for Education.

Rep. Hounsell spoke to the report.  
Ordered to third reading.

HB 80-FN, granting the town of Plaistow a 5 year exemption from participation in the southeast solid waste management district. Inexpedient to Legislate.

The Committee recognizes that dealing with solid waste is expensive and frustrating, but it is convinced that cooperation within districts is imperative. Granting an exemption for one town would be a precedent and vastly unfair to all the towns that are working hard together within the framework of solid waste districts. Vote 14-1. Rep. Barbara B. Bowler for Environment and Agriculture.

Resolution adopted.

HB 714-FN, relative to conveying land in current use. Ought to Pass with Amendment.

This amendment gives the assessing officials a more accurate guide to appraising land in current use. This will be most helpful when the University of New Hampshire study on current use is considered. Vote 16-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to assessment of open space land.

Amend the bill by replacing all after the enacting clause with the following:



1 New Paragraph; Definition of Soil Potential Index. Amend RSA 79-A:2 by inserting after paragraph X the following new paragraph:

X-a. "Soil potential index" means the production capability of land as determined by the United States Soil Conservation Service.

2 Assessment of Open Space Land; Soil Potential Index. Amend RSA 79-A:5, I to read as follows:

I. The selectmen or assessing officials shall appraise open space land as classified under the provisions of this chapter, excluding any building, appurtenance or other improvement thereon, at valuations based upon the current use values established by the board. The selectmen or assessing officials shall use the soil potential index when available, to determine the value of such land within the ranges established by the board. It shall be the duty of the owner to provide the soil potential index to the selectmen or assessing officials.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

The bill, as amended, authorizes town selectmen or assessing officials to apply a land productivity measure known as the soil potential index to land being appraised as open space land. The soil potential index is developed by the United States Soil Conservation Service. The owner of the land is responsible for providing the soil potential index to the selectmen or assessing officials.

Amendment adopted.

Ordered to third reading.

HB 470, establishing a department of commerce. Ought to Pass with Amendment.

This bill creates a Department of Commerce which will provide greater focus for the industrial and commercial development of the State. The Department will be headed by a commissioner, a division of administration, and three operating divisions; economic development, tourism, the Port Authority and marine services. The divisions have appropriate boards; a departmental Commerce Advisory Board is created to bring together all facets of the commercial and industrial interests of the State. Vote 14-1. Rep. Nancy M. Ford for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a department of commerce and establishing  
an international trade study commission.

Amend RSA 21-P:2, II as inserted by section 1 of the bill by deleting subparagraph (c).

Amend RSA 21-P:4 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. Designate the person who shall act in his capacity in the event that he is incapacitated or unable to perform his duties. He shall designate the person to represent him on boards, commissions, committees, and professional associations.

Amend RSA 21-P:5 as inserted by section 1 of the bill by deleting paragraph VI.

Amend RSA 21-P:7, III and IV as inserted by section 1 of the bill by replacing them with the following:

III. Encouragement, coordination, and participation in the efforts of other public and private organizations or groups of citizens to publicize the facilities, industrial advantages, and other attractions of the state in order to attract industrial concerns and other interested persons from outside the state to the state of New Hampshire.

Amend the introductory paragraph of RSA 21-P:20 as inserted by section 1 of the bill by replacing it with the following:

21-P:20 Joint Promotional Program. There is established a joint promotional advertising program to carry out the functions of the division of tourism specified in RSA 21-P:8, I and to promote and encourage tourism and the tourist industry. In order to achieve this objective:

Amend RSA 21-P:20 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraphs:

V. Funds appropriated for the joint promotional program for the first fiscal year of any biennium shall not lapse and shall be available for expenditure during the second fiscal year of the biennium. All funds which have not been expended by the end of the second fiscal year of a biennium shall lapse to the general fund.

VI. The commissioner of commerce shall, with the advice of the selection committee, adopt rules under RSA 541-A after public hearing governing the joint promotional program. These rules shall include:

- (a) a description of the joint promotional program, stating the general course and method of its operations and the methods by which the public may obtain information or make submissions or requests;
- (b) the procedures and criteria used to certify groups or organizations eligible for matching grants;
- (c) the application process, including the information required of applicants;
- (d) the procedures and criteria used to evaluate grant applications;
- (e) procedures for the administration of grants by recipients including reporting requirements.

VII. Three percent of the funds appropriated to the joint promotional program shall be allocated for a grant or grants to organizations that do not qualify under paragraph V of this section. Such grants shall require 10 percent matching funds from private sources, provided that the organization:

- (a) has a demonstrated program of cooperation for promotion;
- (b) has a demonstrated need for promotion;
- (c) has demonstrated a case of regional depression or financial hardship;
- (d) agrees that this unmatched grant shall not be awarded for more than 2 successive years; and
- (e) further agrees that the affected area shall not be eligible for any unmatched grant for a period of 5 years after the second year following the award of the first of any unmatched grant.

Amend the subdivision heading preceding RSA 21-P:21 as inserted by section 1 of the bill by replacing it with the following:

Division of the Port Authority and Marine Services

Amend the introductory paragraph of RSA 21-P:21 as inserted by section 1 of the bill by replacing it with the following:

21-P:21 Division of the Port Authority and Marine Services. There is established within the department the division of the port authority and marine services, under the supervision of an unclassified director of the port authority and marine services who shall, in accordance with applicable laws:

Amend RSA 21-P:22 and 23 as inserted by section 1 of the bill by replacing them with the following:

21-P:22 The Port Authority and Marine Services Advisory Board.

I. There shall be a port authority and marine services advisory board consisting of 7 members as follows:

(a) A member, appointed by the governor and confirmed by the executive council, selected from shipping interests of the state who shall be a resident of the seacoast area.

(b) A member, appointed by the governor and confirmed by the executive council, selected from the commercial fishing interests of the state, who shall be a resident of the seacoast area.

(c) A member, appointed by the governor and confirmed by the executive council, selected from recreational boating interests of the state, who shall be a resident of the seacoast area.

(d) A member, appointed by the governor and confirmed by the executive council, selected from the international trade interests of the state.

(e) The mayor of the city of Portsmouth then in office.

(f) 2 members of the public, appointed by the governor and confirmed by the executive council.

II. The first 4 named shall serve 4-year terms, except that 2 shall have initial terms of 4 years and 2 shall have initial terms of 2 years. No member shall serve more than 2 consecutive terms. They shall meet no less frequently than once each quarter.

III. The members of the board shall receive no compensation for their services, but shall be reimbursed for their expenses.

IV. It shall be the function of the board to advise the director of the division of the port authority and marine services and the commissioner how best to utilize, promote, and regulate the port authority facilities, any other state-owned shipping facilities and shipping in general, any state-owned commercial fishing facilities and the commercial fishing industry in general, recreational salt water boating facilities, and recreational salt water boating generally.

21-P:23 Commerce Advisory Board.

I. There is established a commerce advisory board, consisting of 12 members, as follows:

(a) The commissioner of commerce, or his designee.

(b) The commissioner of banking, or his designee.

(c) The commissioner of insurance, or his designee.

(d) The director of the division of industrial and commercial development, or his designee.

(e) The director of the division of the port authority and marine services, or his designee.

(f) The director of the office of state planning, or his designee.

(g) A member, appointed by the governor and confirmed by the executive council, selected from the private industrial development interests of the state.

(h) A member, appointed by the governor and confirmed by the executive council, selected from the environmental interests of the state.

(i) Two members, appointed by the governor and confirmed by the executive council, selected from a chamber of commerce or some other business promotional organization of the state.

(j) A member, appointed by the governor and confirmed by the executive council, selected from a tourism promotional organization of the state.

(k) A member, appointed by the governor and confirmed by the executive council, selected from one of the marine industries of the state who is also a member of the port authority and marine services advisory board.

II. The members holding offices in the state government shall be members of the board only as long as they hold such offices and shall be voting members of the board. The remaining members shall be appointed for 4-year terms, except that initially 3 members shall be appointed for 4-year terms and 2 members shall be appointed for 2-year terms. There shall be one member at all times from Carroll or Coos or Grafton county. No member shall serve for more than 2 consecutive terms. They shall meet no less frequently than once each quarter.

III. The board members shall receive no compensation, but the public members shall be reimbursed for their expenses.

IV. The board shall advise the commissioner in carrying out the functions of the department, assist in and guide long-range planning of the state's industrial and commercial development, tourism, and marine services efforts and perform such other functions as the governor and council, the legislature, or the commissioner of commerce may request of it.

Amend paragraph III of section 6 of the bill by replacing it with the following:

III. The governor shall draw his warrant upon funds not otherwise appropriated to provide compensation to the commissioner-designate at the rate specified in section 7, II of this act during the transition period.

Amend paragraph I of section 10 of the bill by replacing it with the following:

- I. Amend RSA 94:1-a, I by striking out the following:
- (a) In group K, coordinator of federal funds.
  - (b) In group L, director, port authority.
  - (c) In group N, director, economic development.

Amend RSA 21-P as inserted by section 1 of the bill by deleting sections 21-P:6 and 21-P:8 through 17 and renumbering the original sections 21-P:7 and 21-P:18 through 23 to read as 21-P:6, 21-P:7, 21-P:8, 21-P:9, 21-P:10, 21-P:11 and 21-P:12, respectively.

Amend paragraph 1 of section 24 of the bill by deleting it and renumbering paragraphs II and III to read I and II, respectively.

Amend section 25 of the bill by replacing it with the following:

25 Incumbent Members. The members of the port authority board in office on the operational date for the department of commerce shall be appointed as members of the port authority and marine services advisory board established under RSA 21-P:13.

Amend the bill by replacing section 26 with the following:



26 Commission Established. There is hereby established a commission to study matters relating to the participation of New Hampshire businesses in international trade.

27 Duties. The commission established in section 17 of this act shall be responsible for studying and recommending ways in which:

I. The public and private sectors can work together to encourage the involvement of New Hampshire businesses in international trade.

II. The port authority may be better utilized concerning international trade.

III. Small businesses can be encourage to export their goods.

IV. A network of volunteers may be established to assist businesses in international trade.

V. Public and private sector partnerships may foster international trade.

28 Membership. The commission established in section 17 of this act shall consist of the following 11 members:

I. The director of the port authority or his designee, who shall serve as chairman of the committee.

II. The following 5 members each of whom shall be appointed by the governor.

(a) One member from the Business and Industry Association.

(b) One member from an international trade association operating within this state.

(c) One member from a large New Hampshire business which is currently involved in international trade.

(d) One member from a small business.

(e) One public member.

III. The director of economic development, department of resources and economic development, or his designee.

IV. Two members of the senate, appointed by the senate president.

V. Two members of the house of representatives, appointed by the speaker of the house of representatives.

29 Compensation and Report.

I. No member of the commission established in section 17 of this act shall be compensated for his work on this commission, except that legislative members may be reimbursed for mileage at the legislative rate.

II. The commission shall submit a report containing its findings and recommendations, including, but not limited to, any proposed legislation, on or before December 31, 1987, to:

(a) The governor.

(b) The senate president.

(c) The speaker of the house of representatives.

(d) The commissioner of the department of commerce.

(e) Each of the members of the development, recreation and environment committee of the senate.

(f) Each of the members of the commerce, small business and consumer affairs committee of the house of representatives.

(g) Each of the members of the executive departments and administration committee of the house of representatives.

30 Appointment; Initial Meeting. The governor, senate president, and speaker of the house of representatives shall make all appointments required by section 19 of this act within 30 days following the effective date of this section. The governor or his designee shall be responsible for calling the initial meeting of the commission, which meeting shall be held within 60 days of the effective date of this section.

31 Effective Dates.

I. Sections 1; 2, I, II, and III; 3; 4; 5; 6; 7; 8, II; and 16-27 of this act shall take effect July 1, 1987.

II. The remainder of this act shall take effect when the department of commerce becomes operational on the date set according to the laws of 1983, 372:5, 11.



Amend the bill by deleting sections 3-4, and 12-18, and renumbering the original sections 5-11 and 19-26 to read as 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, respectively.

#### AMENDED ANALYSIS

This bill, as amended, establishes a new executive department of commerce composed of divisions of administration, industrial and commercial development, tourism, and the port authority and marine services. The department will employ area industrial agents to assist in the maintenance and expansion of existing industries and encouraging new industries in several counties. The department will also utilize advisory boards on commerce and the port authority and marine services. The name of the department of resources and economic development is changed to the department of parks and forests, to reflect its remaining responsibilities.

This bill, as amended, establishes a commission to study matters relating to the participation of New Hampshire businesses in international trade.

Amendment adopted.

Ordered to third reading.

HB 600-FN, relative to OHRV fees. Ought to Pass.

This bill increases registration fees for Off Highway Recreational Vehicles \$5.00. The increase is to be distributed between the Fish and Game Department and the Bureau of Off Highway Recreational Vehicles. The additional income will be used to fund the grant in aid program for trails and facilities, and for the purchase of trail grooming equipment. Vote 15-0. Rep. David M. Scanlan for Fish and Game.

Ordered to third reading.

HB 724, relative to the transfer of 57 acres of Rye Harbor state park to the department of fish and game for wildlife management. Ought to Pass with Amendment.

This bill transfers 57 acres in Rye Harbor from the Department of Resources and Economic Development to the Department of Fish and Game for wildlife management and the amendment protects the State of New Hampshire and the Fish and Game Department from hazardous waste suits. Vote 15-0. Rep. Harold F. Magoon for Fish and Game.

#### Amendment

Amend the bill by striking out all after section 2 and replacing it with the following:

3 Exemption From Liability for Hazardous Waste. The department of fish and game and the state of New Hampshire shall be exempt from any liability to the public for any hazardous waste or hazardous materials that may exist in the 13 acres of this site which has been used for a depository of sludge and sediment from the dredging of Rye harbor.

4 Tax Exemption. The properties authorized to be acquired by the department of fish and game under this act for the benefit of the state shall be exempt from taxation as long as said properties are held by the state.

5 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill authorizes the department of fish and game to acquire 57 acres consisting of marsh land, wetlands and upper wetlands in the Rye Harbor state park from the department of resources and economic development for the purpose of wildlife management.

The bill, as amended, exempts the department of fish and game and the state from any liability to the public for any hazardous waste or materials that may exist in the sludge and sediment from Rye harbor which has been deposited on 13 acres of this site.

Amendment adopted.

Ordered to third reading.

HB 449, relative to disciplinary actions for sexual misconduct of psychotherapists and a duty to report sexual misconduct of psychotherapists. Majority: Ought to Pass with Amendment. Minority: Re-Refer to Committee.

MAJORITY: The occurrence of sexual relations between psychotherapists and their emotionally vulnerable clients is the focus of nationwide concern. This bill, supported by the members of the profession it affects, creates a duty to report such conduct which comes to the attention of another certified psychotherapist. If the client consents to the use of his or her name, the appropriate licensing board shall act on the report in conformance with existing statutes that govern the procedure to be used in determining whether disciplinary action is warranted. If the client does not consent to the use of his or her name, a report which identifies neither the client nor the psychotherapist is made for the purpose of compiling statistics and becomes a public record. The majority of the Committee is convinced that this narrowly-focused bill will help insure the integrity of the profession by gradually identifying the few who are unethical. Vote 14-5. Rep. Timothy Bates for the Majority of Health and Human Services.

MINORITY: The minority of the Committee recognizes that there is a problem. However, this bill was drafted in haste, amended in haste and acted on in haste. Among other problems it contains inconsistencies in the application of the reporting process. For instance, it imposes a duty to report sexual misconduct on psychologists but not psychiatrists and other uncertified counselors and therapists. The purpose of the bill is to collect data, but as drafted there is no assurance that the numbers reported would be accurate. Since the names of the accused and the clients do not have to be reported how can we be sure that the same incident will not be reported several times? This could result in inflated figures and bring disrepute to an otherwise honorable profession. Rep. Marion L. Copenhaver for the Minority of Health and Human Services.

## Amendment

Amend the bill by striking out all the after the enacting clause and replacing it with the following:

1 Disciplinary Action for Sexual Misconduct; Cross Reference.  
Amend RSA 330-A:14, II(c) to read as follows:

(c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession, including sexual misconduct as provided in RSA 330-A:24;

2 New Subdivision; Duty to Report Sexual Misconduct. Amend RSA 330-A by inserting the following new subdivision:

## Duty to Report Sexual Misconduct

330-A:23 Definitions. In this subdivision:

I. "Client" means a person who seeks or obtains psychotherapy.  
II. "Former client" means a person who was given psychotherapy within one year prior to sexual relations with the psychotherapist.

III. "Psychotherapy" means the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.

IV. "Psychotherapist" means a physician, psychologist, nurse, chemical dependency counselor, social worker, member of the clergy, or other person, whether or not licensed by the state, who performs or purports to perform psychotherapy.

V. "Sexual relations" means sexual contact as defined in RSA 632-A:1, IV or sexual penetration as defined in RSA 632-A:1, V.

VI. "Emotionally dependent" means that the nature of the client's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or should know or has reason to believe that the client or former client is unable to withhold consent to sexual relations by the psychotherapist.

VII. "Therapeutic deception" means a representation to a client by a psychotherapist that sexual contact with the psychotherapist is consistent with or part of the client's or former client's treatment.

330-A:24 Sexual Misconduct Subject to Disciplinary Action. The following are subject to disciplinary action under RSA 330-A:14, II(c) and the duty to report established in RSA 330-A:25:

I. Sexual relations between a psychotherapist and his or her client shall be considered both unprofessional and dishonorable conduct.

II. Therapeutic deception to achieve sexual relations with a former client shall be considered unprofessional conduct.

III. Sexual relations with an emotionally dependent former client shall be considered dishonorable conduct.

330-A:25 Sexual Misconduct; Duty to Report.

I. A psychologist or person certified under this chapter has a duty to report in the manner provided for in paragraph II the sexual misconduct as defined in RSA 330-A:24 of a psychotherapist the facts of which have been communicated to him by the client or former client of the psychotherapist.

II. The duty may be discharged by, and no monetary liability or cause of action may arise against, a psychologist or person certified under this chapter if the psychologist or person certified under this chapter reports in writing the sexual misconduct to the board of examiners for psychologists or any other statutorily created medical occupational licensing board conducting disciplinary proceedings.

III.(a) The psychologist or person certified under this chapter shall at the outset of therapy inform the client of the duty of psychologists and persons certified under this chapter to report as mandated in paragraph I.

(b) Any psychologist or person certified under this chapter who makes a report required by this section shall advise the client or former client of the psychotherapist of the obligation of the psychologist or person certified under this chapter to report sexual misconduct by a psychotherapist. The client may refuse consent to the use of his or her name in any such report.

(c) If the client refuses to consent to the use of his or her name, the person reporting shall inform the client that the sexual misconduct shall be reported in any event, but that neither the client's name nor that of the accused psychotherapist or any other identifying information about the client or the accused psychotherapist shall be set forth in any such report. The report shall be made to the chairman of the board and such report, and any statistical compilation which includes the

report as part of its data, shall be a public record. The board shall take no disciplinary action on a report filed under this paragraph.

IV. Notwithstanding the provision of RSA 330-A:15, the board may informally dispose of any complaint where the client has agreed to disclosure of his name and the name of the accused psychotherapist by stipulation, agreed settlement, consent order, or default. The board may hold preliminary hearings to facilitate the informal disposition of complaints which, during the preliminary investigation or hearing, are found to be unwarranted or unjustified. The board shall follow the provisions of RSA 541-A:16, V in conducting such hearings. All such investigations and preliminary hearings shall be confidential and are exempt from the provisions of RSA 91-A, provided that the board shall make public any action taken under RSA 330-A:14, III resulting from a preliminary hearing or investigation.

V. Any complaint not resolved at or prior to a preliminary hearing shall be heard by the board, pursuant to RSA 330-A:15. Such hearing shall be an open public hearing, provided, however, that the board shall hear the testimony of any witness who is under 18 years of age at the time of his testimony in camera unless good cause is shown by the person complained against. A transcript of any testimony taken in camera shall be made available to the public, but the name and any identifying characteristics of the witness shall be deleted from the transcript.

VI. No civil or criminal liability shall arise concerning client privacy or confidentiality against a psychologist or person certified under this chapter for information disclosed to the board of examiners for psychologists or any other statutorily created medical occupational licensing board conducting disciplinary proceedings in discharging the duty to report established under this subdivision, provided that such information is disclosed in good faith.

VII. No civil action shall be maintained against the board or any member thereof, or its agents, employees or against any organization or its members, including, but not limited to, any member of a professional standards review organization listed in RSA 507:8-c, I, or against any other person for or by reason of any statement, report, communication or testimony to the board, or determination by the board in relation to disciplinary proceedings under this section; provided that such statement, report, communication, or determination is made in good faith.

VIII. For purposes of this section, "psychologist or person certified under this chapter" shall include persons providing treatment under the supervision of a psychologist or person certified under this chapter.

3 Effective Date. This act shall take effect January 1, 1988.

#### AMENDED ANALYSIS

This bill states that psychotherapists who engage in sexual misconduct with clients or former clients shall be subject to disciplinary action. This bill also imposes a duty to report sexual misconduct of a psychotherapist upon psychologists and other persons certified by the state board of examiners of psychologists, and any person working under the supervision of a person certified by the state board of examiners of psychologists.

Under this bill, as amended, the client or former client of the psychotherapist accused of sexual conduct must consent to the use of his name in a report. The board may take action on reports where the client or former client has consented to the use of his name, either informally or through preliminary or formal hearings.

Rep. Copenhaver spoke to the Committee report.

Amendment adopted.

Ordered to third reading.



HB 451, relative to sterilization and abortion. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: The bill addresses a practice that has been functioning in many hospitals for some time without problems. In staffing an operating room or delivery room administration must ask (to protect all its patients) prospective staff if they are willing to participate in sterilization and abortion procedures. Administration has the obligation to see that staff is available for the care of clients (OR or DR nurses). A prospective nurse might be denied a "DR" or "OR" position if she states she cannot participate in such procedures. The federal law permits abortions and sterilizations so patients have a legal right to so obtain, but hospital staff likewise have the right to participate as long as that fact was determined before assignment to the "OR" and/or "DR". Concern was expressed by the minority that the patient might be denied care. Vote 11-8. Rep. Katherine D. Foster for the Majority of Health and Human Services.

MINORITY: There is absolutely no evidence that anyone in New Hampshire is being forced to participate in an abortion or sterilization procedure. Therefore, this legislation is unnecessary. Rep. Toni Pappas for the Minority of Health and Human Services.

Rep. Butler moved that HB 451 be laid upon the table.

A roll call was requested. Insufficiently seconded.

Motion adopted.

HB 471-FN, prohibiting smoking in public elementary and secondary educational facilities. Majority: Ought to Pass with Amendment.

Minority: Inexpedient to Legislate.

MAJORITY: The majority of the Committee felt that because a person under 18 cannot buy cigarettes they then should not be allowed to smoke them in school or on school grounds. Further, that those adults who are smoking should also be restricted so as to set the example. Vote 15-3. Rep. Guy R. Granger, Jr. for the Majority of Health and Human Services.

MINORITY: The minority feels that the matter of smoking in schools can best be handled as a local matter by concerned school boards. Reps. Ann M. Derosier, Robert M. Gilbreth and Elmira Tilton for the Minority of Health and Human Services.

Rep. Gilbreth moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Rep. Buckley spoke against the motion and yielded to questions.

Rep. Ann Derosier spoke in favor of the motion.

Rep. Granger spoke against the motion and yielded to questions.

On a voice vote, the Speaker was in doubt and requested a division. 180 members having voted in the affirmative and 134 in the negative, the motion was adopted.

Rep. Malcolm notified the Clerk that he wished to be recorded in favor of the substitute motion.

Resolution adopted.

HB 505, relative to pharmacy patient profile record. Ought to Pass with Amendment.

This bill requires pharmacies to maintain patient profile records including, but not limited to, information on possible harmful reaction to, or interaction with, various prescription drugs. The Board of Pharmacy is authorized to adopt rules relative to the contents, and procedures for maintaining, these records by pharmacies. The bill authorizes the Board of Pharmacy to undertake disciplinary action against pharmacists failing to keep patient profile records. Vote 15-4. Rep. Robert F. Wilson for Health and Human Services.



Rep. Kurk moved that the words, Re-Refer to the Committee on Health and Human Services, be substituted for the Committee report, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Sochalski spoke in favor of the motion.

Motion adopted.

HB 520, relative to parental notification of abortions. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The Committee did not hear any evidence that this bill promotes family unity. On the contrary it puts added stress on more young minors who are already in an untenable situation. Statistics show that most youngsters do confide in one or both parents. The ten or fifteen percent who cannot, come from families in which there may be alcoholism, sexual abuse or family violence. Rather than promoting family unity for these unfortunate minors, this bill adds to their problems by involving the courts. That in itself can be a frightening experience to anyone of use, let alone to a teenager in distress. Furthermore, this will be costly and overburden the court system. Vote 13-6. Rep. Marion L. Copenhaver for the Majority of Health and Human Services.

MINORITY: The minority believes this bill neither prohibits abortion nor anyone's right to get an abortion. This is not an anti-bill but it is a pro-parent bill. The child does not need permission now, but this bill would just notify the parents that the child is young to have an abortion, so that afterwards the parent knows why the child is sick or acting in a strange or belligerent way and may help the child to deal with their decision. There is no hardship on anyone because the child has already decided, and if she can't talk to her parents, this bill only requires a letter to be sent to the parent. Rep. Nancy G. Frank for the Minority of Health and Human Services.

Rep. Cooke moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Rep. Copenhaver spoke against the motion.

Rep. Sullivan spoke in favor of the motion.

Reps. Lozeau and Nixon spoke against the motion and yielded to questions.

Rep. Dexter spoke to the motion.

A roll call was requested. Sufficiently seconded.

YEAS 90 NAYS 249

YEAS 90

BELKNAP: Dexter, Golden, Holbrook, Jensen and Locke.

CARROLL: Schofield.

CHESHIRE: Cole, Daschbach, Delano, Irvin Gordon, Pierce, Sawyer and David Young.

COOS: Brady, Coulombe, Frederic Foss, Marsh, Nelson and Theriault.

GRAFTON: Hammond and Rounds.

HILLSBOROUGH: Ahrens, Baker, Bourque, Champagne, Chretien, Cox, Cusson, Gerard Destrochers, Domainque, Donovan, Drolet, Clyde Eaton, Frank, Gagnon, Genest, Granger, Guilbert, Healy, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Levesque, Prestipino, Reidy, Herbert Richardson, Routhier, Sullivan, Vanderlosk, Emma Wheeler, Kenneth Wheeler, Winn and Zajdel.

MERRIMACK: Mary Holmes, Provencal, West and Whittemore.

ROCKINGHAM: Barnes, Benton, Bucu, Cooke, Gourdeau, Haynes, Hynes, Robert Johnson, Joyce, Mace, Sytek, Tilton, Vaughn, Walker, Warburton and Welch.

STRAFFORD: Bernard, Callaghan, Dingle, Albert Dionne, Robert Jones, Kincaid, Laurion, McManus and Pelley.

SULLIVAN: Brodeur, D'Amante, Domini, Flint, Ingram, Krueger and Rodeschin.

NAYS 249

BELKNAP: Bowler, Richard Campbell, Malcolm Harrington, Hawkins, Maviglio, Pearson, Randall, Lawrence Richardson, Turner and Wixson.

CARROLL: Allard, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Blacketer, Clark, Jesse Davis, Doucette, Daniel Eaton, Frink, Grodin, Hunt, LaMar, Matson, Miller, Morse, Perry, Ramsay, William Riley and Schwartz.

COOS: Brungot, Harold Burns, Guay, Horton, Kilbride, Mayhew, Oleson and Purrington.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Crystal, Dearborn, Densmore, Driscoll, Michael King, Wayne King, Lougee, Ezra Mann, McAvoy, Scanlan, Wadsworth, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Barbara Arnold, Baldizar, Beaupre, Boutwell, Bowers, Buckley, Burkush, A. Leslie Burns, Cid, Cote, Cowenhoven, Daigle, Ann Derosier, William Desrosiers, Paul Dionne, Dube, Dupont, Durant, Dwyer, Dykstra, Joseph M. Eaton, Fields, Nancy Ford, Scott Green, Grip, Betty Hall, Holden, Humphrey, Donna Kelly, Alice Knight, Korcoulis, Kurk, Lefebvre, Long, Lown, Lozeau, Mason, Bonnie McCann, McRae, Messier, Moore, Morrisette, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Paquette, Perham, Pignatelli, Price, Reardon, Ellen-Ann Robinson, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Tarpley, Turgeon, Wagner, Ware, Watson, Wood and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Laurent Boucher, Cahill, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hayes, Hess, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Merton Mann, Nichols, Pantzer, Phelps, Philbrick, Rehlander, Walter Robinson, Gerald Smith, Stio, Tupper and Yeaton.

ROCKINGHAM: Carl Anderson, Blaisdell, Blanchard, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cressy, Cushing, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gosselin, Elizabeth Greene, Hoar, Hollingworth, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Magoon, William F. McCain, McGovern, McKinney, Newell, Palumbo, Pantelakos, Parr, Pevear, Read, Ritzo, Rosencrantz, Sanderson, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Tufts, Vartanian, Weddle, Wells, Woodward and Wright.

STRAFFORD: Bates, Casey, Chamberlin, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Sandra Keans, Kinney, Koromilas, Lachance, Martling, Musler, Parks, Proulx, Spear, Swope, Ann Torr, Ralph Torr, Wall and Wilson.

SULLIVAN: Behrens, Cutting, Lindblade, McKee, Normandin, Peyron, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Rep. Malcolm notified the Clerk that he wished to be recorded against the substitute motion.

Resolution adopted.

#### POINT OF ORDER

Rep. William Riley rose on a Point of Order.

#### COMMITTEE REPORTS (cont.)

HB 530-FN, relative to assisted persons. Ought to Pass with Amendment.

This bill enables a city or town to require an assisted person to work for a nonprofit organization, as well as the city or town, if that organization is a participant in the municipal work program. Single parents, with young children and disabled persons are specifically exempted from this work requirement. This change in the law will open more worthwhile work for people getting assistance from the community. They can be required to work for the town now. Parents with young children and disabled persons must now work for the town. This eliminates that requirement for them. The amendment eliminates a section on which no one testified. Vote 10-7. Rep. Guy R. Granger, Jr., for Health and Human Services.

#### Amendment

Amend the bill by deleting sections 2 and 3 and renumbering section 4 to read as section 2.

#### AMENDED ANALYSIS

This bill enables a city or town to require an assisted person to work for a nonprofit organization, as well as the city or town, if that organization is a participant in the municipal work program. Single parents with young children and disabled persons are specifically exempted from this work requirement.

Amendment adopted.

Ordered to third reading.

HB 237, limiting the civil liabilities of volunteers working on behalf of nonprofit organizations. Re-Refer to Committee.

The Committee strongly supports the concept of some protection for volunteers who are acting in service to the community. The Subcommittee has made a herculean effort to attempt to address the needs of all of the likely parties in an action that might arise in that context. The majority, however, believes that some further study is required to deal with some problems that still exist with the bill. Vote 14-2. Rep. Stephen N. Cahill for Judiciary.

Report adopted.

HB 239-FN, making the Portsmouth district court a full time court. Inexpedient to Legislate.

The Committee concluded that it is inadvisable to adopt special legislation for only one court in view of the fact that the Committee already has recommended that a uniform standard should be established as provided in HB 651 to govern such decisions. Although the Portsmouth court fails to qualify for full-time status under the HB

651 standard, that standard does provide an increase of \$13,733 in the judge's part-time salary and an increase for the special justice of more than \$4,000. The Committee also was assured by the Supreme Court that an additional judge from another district can be assigned to hear cases in Portsmouth when the situation requires it. Vote 8-4. Rep. Francis E. Robinson for Judiciary.

Rep. Martling moved that the words, Re-Refer to the Committee on Judiciary, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Blanchard spoke in favor of the motion.  
Motion adopted.

HB 301, providing civil immunity from liability for volunteers serving as athletic coaches or sports officials for nonprofit associations.  
Re-Refer to Committee.

The Committee believes the subject matter addressed in this bill is important, but time does not allow the Committee to resolve some of the problems that have been brought out. Vote 13-3. Rep. Beverly A. Hollingworth for Judiciary.

Report adopted.

HB 398, relative to custody and support orders. Ought to Pass with Amendment.

The amended bill, if passed, would define the various types of custody and strengthen the presumption of joint legal custody. It also spells out guidelines for physical custody awards. The Committee feels this will fairly address this difficult area of law. Vote 15-1. Rep. Thomas U. Gage for Judiciary.

#### Amendment

Amend RSA 458:17, I, as inserted by section 1 of the bill by replacing it with the following:

I. In all cases where there shall be a decree of divorce or nullity, the court shall make [such further decree in relation to the support, education, and custody of the children as shall be most conducive to their benefit and may order a reasonable provision for their support and education] a written order concerning the support, education, and legal and physical custody of any minor child born of the marriage or adopted during the marriage. All such child support orders shall provide for the withholding of the wages [of the responsible parent] if arrearage occurs in the support payment [of the child support].

Amend RSA 458:17, II, as inserted by section 2 of the bill by replacing it with the following:

II. Legal custody means the right to participate in major decisions involving the child, including, but not limited to, educational, medical, and religious decisions. When the legal custodians are unable to agree, the right of decision shall reside with the parent who has physical custody. The parent who does not have physical custody may petition the court if he objects to the decision on the basis of substantial harm to the child. The court shall presume that joint legal custody is in the child's best interest, unless the court finds, after considering the history of the marriage and the evidence presented by the parties, including the guardian ad litem, that an order of joint legal custody would harm the child. If the court declines to enter an order awarding joint legal custody, the court shall state in its written decision the reasons for denial of such an award.

Amend RSA 458:17, III(b), as inserted by section 2 of the bill by replacing it with the following:

(b) The love, affection, and other emotional ties existing between the child and each party and other family members.

Amend RSA 458:17, III (g), as inserted by section 2 of the bill by replacing it with the following:

(g) The child's adjustment to his home, community and school environment.

Amend RSA 458:17, III, as inserted by section 2 of the bill by inserting after subparagraph (h) the following:

(i) Any abusive treatment by either party of the child or other family members.

Amend the bill by replacing all after section 3 with the following:

4 New Paragraph; Records. Amend RSA 458:17 by inserting after paragraph VI the following new paragraph:

VII. Unless otherwise ordered by the court, upon determination that it would be against the best interests of the child, no parent shall be denied access to his child's educational or medical records or other information solely because he does not have custody of the child.

5 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill separates and defines "legal custody" and "physical custody" as they apply to custody proceedings during divorce.

The bill also specifies a procedure to be used when joint legal custodians cannot agree on a decision concerning a child.

Specific guidelines are also set out for how the court will award physical custody, including a standard to be used for the modification of a physical custody order.

As amended, the bill provides for access to the child's medical and educational records by the non-custodial parent.

Amendment adopted.

Ordered to third reading.

HB 447, relative to the right to know law. Re-Refer to Committee. The Committee wishes to study the area of deliberative executive session. It hopes to use this bill to examine this controversial area. Vote 15-1. Rep. Thomas U. Gage for Judiciary.

Report adopted.

HB 727, relative to the right-to-know law. Ought to Pass with Amendment.

The Committee overwhelmingly feels that this bill's time has come. This bill recodifies and clarifies the Right-to-Know Law. HB 727 plugs up the loopholes which have cropped up over the years. This bill brings the Governor under the Right-to-Know Law when he meets with the Governor's Council and Committees of Conference. Vote 16-1. Rep. Alec J. Kormilas for Judiciary.

#### Amendment

Amend RSA 91-A:1-b, I and II as inserted by section 1 of the bill by replacing them with the following:



1. "Meeting" means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-b, II to discuss or act upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power. "Meeting" shall not include:

(a) Any chance meeting or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business and at which no decisions are made; however, no such chance or social meeting shall be used to circumvent the spirit of this chapter;

(b) Strategy or negotiations with respect to collective bargaining; or

(c) Consultation with legal counsel, provided that only members of the body, legal counsel, or the agents and employees of either are present and that only legal matters are discussed.

II. "Public body" means:

(a) The general court, including committees of conference and executive sessions of committees;

(b) The governor's council;

(c) The governor with the governor's council;

(d) Any board, commission, agency, or other authority of state government;

(e) Any board, commission, agency, or other authority, of any county, town, municipal corporation, school district, or other political subdivision;

(f) The board of trustees of the university system of New Hampshire and committees of that board; or

(g) Any committee, subcommittee or subordinate body thereof, or advisory committee to any of the above.

Amend RSA 91-A:3, I as inserted by section 3 of the bill by replacing it with the following:

1. Bodies or agencies may meet in executive session for deliberations only after a majority vote of members present, which shall be recorded in the minutes of the meeting. All sessions at which information, evidence, or testimony in any form is received, except as provided in paragraph II, shall be open to the public. No ordinance, orders, rules, resolutions, regulations, contracts, appointments, or other official actions shall be finally approved in executive session except as provided in paragraph II. The record and minutes of the executive session, as provided in RSA 91-A:4, shall be available for public inspection promptly, except as provided in RSA 91-A:4, II(b).

Amend RSA 91-A:7-a as inserted by section 7 of the bill by replacing it with the following:

91-A:7-a Penalty. Whoever knowingly violates the provisions of this chapter shall be guilty of a violation.

Amend RSA 91-A:8, I as inserted by section 8 of the bill by replacing it with the following:

1. If any public body [or agency] or employee or member thereof, in violation of the provisions of this chapter, refuses to provide a public record or refuses access to a public proceeding to a person who reasonably requests the same, such body [, agency,] or person shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter provided that the court finds that such lawsuit was necessary in order to make the information available or the proceeding open to the public. Fees shall not be awarded unless the court finds that the body[, agency] or person knew or should have known that the conduct engaged in was a violation of this chapter or where the parties, by agreement, provide that no such fees shall be paid. In any case where

fees are awarded under this chapter, upon a finding that an officer, employee, or other official of a public body [or agency] has acted in bad faith in refusing to allow access to a public proceeding or to provide a public record, the court [may] shall award such fees personally against such officer, employee, or other official.

Amend the bill by replacing section 9 with the following:

9 Effective Date. This act shall take effect 90 days after its passage.

#### AMENDED ANALYSIS

This bill amends RSA 91-A, the "right-to-know" law.

The bill defines "meetings", "public body", and "public proceedings", and states that RSA 91-A shall be liberally construed to provide the greatest access to records and meetings. The governor and governor's council and legislative committees of conference are included as public bodies.

The bill also requires that refusal of access to records exempt from public access be specifically based on statutory authority.

The bill makes certain persons who are not members of a public body subject to remedies and penalties under RSA 91-A under certain circumstances, and adds a criminal penalty provision.

In addition, the bill rearranges certain sections of the current law for the sake of clarity.

Amendment adopted.

Ordered to third reading.

HR 19, relative to the employee lockout at the Simplex Wire and Cable Company in Newington. Without Recommendation.

Reps. Palumbo and Chambers moved that HR 19 be made a Special Order for 2:30 p.m. on March 18.

Rep. Palumbo spoke to the motion.

Motion adopted.

RECESS

(Speaker in the Chair)

#### COMMITTEE REPORTS (cont.)

HB 691-FN, relative to depositing of excess snow into the surface waters of the state. Majority: Inexpedient to Legislate. Minority: Re-Refer to Committee.

MAJORITY: While the Committee was sympathetic to the intent expressed in HB 691, RSA 149:8 presently contains restrictions against placing litter and garbage, etc. on the ice, into the surface waters, or on the banks of such waters in the State. Problems can be solved by the enforcement of existing statutes. When asked what alternative snow disposal sites might be available, the supporters of HB 691 suggested that old sand and gravel pits or playgrounds might be suitable. The Committee was appalled by this suggestion because of the danger of polluting the aquifers and adding broken glass and other odious matter to the few places our children can safely play. Clearly a bottle bill would help this problem considerably. Vote 12-4. Reps. Howard C. Dickinson and Charles L. Vaughn for the Majority of Resources, Recreation and Development.

MINORITY: The Environmental Protection Agency's Clean Water Act bans the dumping of snow into federal, navigable waters. The minority of the Committee strongly believes the same rules should apply to state waters, such as our lakes. This bill was introduced by Lakes Region legislators because the city of Laconia dumps massive amounts of snow into Winnepesaukee, loaded with all varieties of garbage that fouls water quality. The city only stopped dumping when this bill was introduced, and said it would continue dumping in the future (it now has a "temporary" site on land). The minority believes there are significant questions about enforcement of existing statutes, EPA regulations, and alternatives to lake dumping, that this bill deserves to be reviewed during the next session. Rep. Steven R. Maviglio for the Minority of Resources, Recreation and Development.

Rep. Maviglio moved that the report of the Minority, Re-Refer to Committee, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Woodward and Dickinson spoke against the motion and yielded to questions.

Rep. Lawrence Richardson spoke in favor of the motion and yielded to questions.

Motion lost.

Resolution adopted.

The Speaker called for the Special Order.

HR 19, relative to the employee lockout at the Simplex Wire and Cable Company in Newington. Without Recommendation.

The Committee vote in executive session resulted in a tie, and believing that this will not change, the Committee is returning House Resolution 19 without recommendation. Vote 9-9. Rep. Mary Ann Lewis for Legislative Administration.

Rep. Maurice MacDonald moved that HR 19 be reported Ought to Pass, and spoke to his motion.

Rep. Hammond spoke against the motion.

Rep. Warburton moved that HR 19 be laid upon the table.

A roll call was requested. Sufficiently seconded.

YEAS	225	NAYS	123
YEAS	225		

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Locke, Pearson, Randall, Turner and Wixson.

CARROLL: Allard, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Jesse Davis, Delano, Daniel Eaton, Irvin Gordon, Grodin, Miller, Morse, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Horton, Marsh and Purrington.

GRAFTON: Adams, Bean, Blair, Christy, Dearborn, Driscoll, Hammond, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Beaupre, Boutwell, Bowers, A. Leslie Burns, Chretien, Cid, Cox, Cusson, Gerard Desrochers, William Desrosiers, Paul Dionne, Drolet, Dykstra, Clyde Eaton, Joseph M.

Eaton, Fields, Nancy Ford, Genest, Granger, Grip, Marian Harrington, Humphrey, Michael Jones, Keefe, Robert Kelley, Alice Knight, Korcoulis, Kurk, Levesque, Lown, Mason, Bonnie McCann, McRae, Messier, Nixon, Packard, Perham, Prestipino, Herbert Richardson, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Steiner, Stiles, Tarpley, Vanderlosk, Wagner, Ware, Watson, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Austin, Bardsley, Laurent Boucher, James Chandler, Fillion, Fraser, Gross, Douglas Hall, Hayes, Hess, Mary Holmes, C. William Johnson, Kidder, Lewis, Lockwood, Merton Mann, Nichols, Pantzer, Phelps, Philbrick, Provencal, Gerald Smith, Stio, West and Whittemore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Blaisdell, Blanchard, Buco, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, Thomas Gage, Gosselin, Gourdeau, Haynes, Hoar, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Mace, Maqoon, Malcolm, William F. McCain, McKinney, Parr, Ritzo, Rosencrantz, Schmidtchen, Seward, Simon, Skinner, Sochalski, Sytek, Tufts, Vartanian, Vaughn, Warburton, Welch, Woodward and Wright.

STRAFFORD: Bates, Bernard, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Kinney, Martling, Parks, Proulx, Spear, Swope, Ann Torr, Ralph Torr, Wall and Wilson.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Krueger, Lindblade, McKee, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

## NAYS 123

BELKNAP: Maviglio and Lawrence Richardson.

CARROLL: McIntire.

CHESHIRE: Blacketor, Clark, Cole, Daschbach, Doucette, Frink, Hunt, LaMar, Matson, Ramsay, William Riley and Schwartz.

COOS: Coulombe, Guay, Kilbride, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Arnesen, Bennett, Chambers, Copenhaver, Crystal, Densmore, Michael King and Wayne King.

HILLSBOROUGH: Baker, Baldizar, Bourque, Buckley, Burkush, Champagne, Cote, Cowenhoven, Daigle, Domainque, Donovan, Dube, Dupont, Durant, Dwyer, Frank, Gagnon, Scott Green, Guilbert, Betty Hall, Healy, Holden, Chris Jacobson, Cornelius Keane, Donna Kelly, Lefebvre, Long, Lozeau, Moore, Morrisette, Robert Murphy, O'Rourke, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Soucy, Sullivan, Turgeon, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Beaton, Cahill, Gilbreth, Hager, Alf Jacobson, Burton Knight, Rehlander, Walter Robinson, Tupper and Yeaton.

ROCKINGHAM: Blanchette, William Boucher, Carpenito, Cressy, Cushing, John Flanders, Beverly Gage, Elizabeth Greene, Hollingworth, Maurice MacDonald, McGovern, Newell, Palumbo, Pantelakos, Pevear, Read, Sanderson, Sherburne, Splaine, Tilton, Walker, Weddle and Wells.

STRAFFORD: Callaghan, Casey, Albert Dionne, Sandra Keans, Kincaid, Koromilas, Lachance, Laurion, William McCann, McManus, Musler and Pelley.

SULLIVAN: Ingram and Normandin, and the motion was adopted.  
 HR 19 was laid upon the table.

HB 405, establishing a presumption of negligence for liability resulting from a nuclear incident. Ought to Pass with Amendment. This bill closes loopholes at the State level in the Federal Price-Anderson Act, regarding liability for nuclear "incidents." It creates a presumption of negligence on the owner or handler of nuclear materials. This standard is even less stringent than strict liability, which applies to other types of hazardous materials. The bill also establishes a statute of limitations, and allows for punitive damages and attorneys' fees. The Committee feels this will be an incentive to handlers of nuclear materials to take proper safety precautions. The amendment removes all references to medical facilities. Vote 10-0. Rep. Susan Schwartz for Science and Technology.

#### Amendment

Amend RSA 508:17, III as inserted by section 1 of the bill by replacing it with the following:

III. "Nuclear material" means radioactive material used, transported, or handled in connection with:

(a) A utilization facility or production facility licensed by the United States Nuclear Regulatory Commission in accordance with 42 U.S.C. section 2133 or 2134;

(b) A utilization or production facility constructed or operated under a contract for the benefit of the United States where there is a risk of a substantial nuclear incident as determined by the United States Department of Energy or the Nuclear Regulatory Commission; or

(c) Disposal, storage, and other activities undertaken pursuant to the Nuclear Waste Policy Act, 42 U.S.C. sections 10101 through 10225.

Amend RSA 508:17 as inserted by section 1 of the bill by deleting paragraph V.

Amendment adopted.

Ordered to third reading.

Rep. Sytek abstained from voting under Rule 16.

HB 708, relative to excess electric generating capacity. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: This bill would protect New Hampshire ratepayers because it does not allow a utility to earn a profit on electricity that is not used by consumers. Under this bill, the utility can still recover construction and operating costs and can earn profits allowed by the Public Utilities Commission on electricity that is used. The majority of the Committee feels that New Hampshire ratepayers should not subsidize the electric rates of out-of-state utilities. Vote 8-3. Rep. Susan Schwartz for the Majority of Science, Technology and Energy.

MINORITY: This proposed legislation changes the ground rules long after many decisions have been mutually made and acted upon. This excess capacity concept would place unreasonable standards on the long range planners and decision makers in the energy industry. The resulting penalties of being labeled excess would result in the absence of necessary future plant construction and the perpetuation of an under supply of future energy. Rep. Frederic A. Foss for the Minority of Science, Technology and Energy.



Rep. Gourdeau moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Reps. Arnesen, Bowler and Douglas Hall spoke against the motion and yielded to questions.

Reps. Frederic Foss, Hardy and Stiles spoke in favor of the motion and yielded to questions.

Rep. Christy spoke to the motion.

Rep. Jean spoke in favor of the motion.

Rep. Chambers spoke to the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

Reps. Sytek, Gross and Marilyn Campbell abstained from voting under Rule 16.

YEAS 170    NAYS 176  
YEAS 170

BELKNAP: Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Locke, Randall and Turner.

CARROLL: Allard, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Delano, Irvin Gordon, Grodin, Hunt, Morse, Perry, Pierce, Sawyer and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Horton, Marsh and Purrington.

GRAFTON: Adams, Bean, Bennett, Christy, Dearborn, Driscoll, Hammond, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Barbara Arnold, Beaupre, Boutwell, Bowers, Cid, Cowenhoven, Cox, Daigle, Gerard Desrochers, William Desrosiers, Paul Dionne, Drolet, Clyde Eaton, Fields, Granger, Grip, Holden, Humphrey, Keefe, Robert Kelley, Alice Knight, Kurk, Levesque, Lown, Mason, Bonnie McCann, Moore, Pappas, Perham, Herbert Richardson, Routhier, Sallada, Shriver, Steiner, Stiles, Ware, Watson, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Austin, Laurent Boucher, Fillion, Fraser, Gilbreth, Hayes, Hess, Mary Holmes, Kidder, Lockwood, Nichols, Phelps, Provencal, Gerald Smith, Stio, West and Whittemore.

ROCKINGHAM: Barnes, Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, John Flanders, Thomas Gage, Gosselin, Gourdeau, Haynes, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Mace, Malcolm, William F. McCain, Newell, Palumbo, Ritzo, Schmidtchen, Seward, Simon, Skinner, Tilton, Tufts, Vartanian, Warburton, Welch, Woodward and Wright.

STRAFFORD: Bates, Bernard, Dingle, Patricia Foss, Frechette, Jean, Robert Jones, Kinney, Koromilas, Martling, Parks, Swope, Ann Torr, Ralph Torr, Wall and Wilson.

SULLIVAN: Behrens, Cutting, Domini, Flint, Ingram, Krueger, Lindblade, McKee, Peyron, Rodeschin and Schotanus.

NAYS 176

BELKNAP: Bolduc, Bowler, Dexter, Golden, Maviglio, Pearson, Lawrence Richardson and Wixson.

CARROLL: Dickinson.

CHESHIRE: Blacketor, Clark, Cole, Daschbach, Jesse Davis, Doucette, Daniel Eaton, Frink, LaMar, Matson, Miller, Ramsay, William Riley and Schwartz.

COOS: Brady, Coulombe, Guay, Kilbride, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Arnesen, Blair, Chambers, Copenhaver, Crystal, Densmore, Michael King and Wayne King.

HILLSBOROUGH: Ahrens, Baker, Baldizar, Bourque, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cote, Cusson, Domaingue, Donovan, Dube, Dupont, Durant, Dwyer, Dykstra, Joseph M. Eaton, Nancy Ford, Frank, Gagnon, Gelinas, Genest, Scott Green, Gilbert, Betty Hall, Marian Harrington, Healy, Chris Jacobson, Michael Jones, Cornelius Keane, Donna Kelly, Korcoulis, Lefebvre, Long, Lozeau, McRae, Messier, Morrisette, Robert Murphy, Nixon, O'Rourke, Packard, Paquette, Pignatelli, Prestipino, Price, Reardon, Reidy, Ellen-Ann Robinson, Schneiderat, Leonard Smith, Soucy, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Cahill, James Chandler, Hager, Douglas Hall, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Merton Mann, Pantzer, Philbrick, Rehlander, Walter Robinson, Tupper and Yeaton.

ROCKINGHAM: Carl Anderson, Blaisdell, Blanchard, Blanchette, William Boucher, Buco, Butler, Eunice Campbell, Carpenito, Cressy, Cushing, Harry Flanders, Beverly Gage, Elizabeth Greene, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, Lovejoy, Magoon, McGovern, McKinney, Pantelakos, Parr, Pevear, Read, Rosencrantz, Sanderson, Sherburne, Sochalski, Splaine, Vaughn, Walker, Weddle and Wells.

STRAFFORD: Callaghan, Casey, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Sandra Keans, Kincaid, Lachance, Laurion, William McCann, McManus, Musler, Pelley, Proulx and Spear.

SULLIVAN: Brodeur, D'Amante, Normandin, Spaulding and Sara Townsend, and the motion lost.

Question now being on the report of the Majority, Ought to Pass.

Adopted.

Ordered to third reading.

HB 519, relative to consumer motor vehicle warranties. Re-Refer to Committee.

Although this bill may have merit it requires time to study and further testimony. Vote 18-0. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 572-FN, relative to recycling beverage containers. Inexpedient to Legislate.

This bill would establish a container redemption and recycling system under a director. Also, a system to establish municipal and private recycling centers. The fiscal note states that State revenue will decrease \$5,200,000 in FY 1988 and by \$11,000,000 each year thereafter. The economics make this bill Inexpedient to Legislate. Vote 15-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Rep. Betty Hall moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, spoke to her motion and yielded to questions.

Rep. Blanchette spoke against the motion.

Rep. Fraser spoke against the motion and yielded to questions.

Motion lost.

Resolution adopted.

HB 638-FN, relative to returnable containers. Inexpedient to Legislate.

This bill establishes a returnable beverage container system requiring a minimum deposit, plus return to dealers or a redemption center.

Testimony from the Liquor Commission shows loss of revenue to the State of \$1,800,000 every year after 1988. Vote 14-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 159-FN, relative to sunset review of the board of education - driver education. Ought to Pass with Amendment.

This bill renews the Board of Education - Driver Education, under the regulations of the Sunset Review. The amendment directs the Department of Education to adopt uniform public and private certification requirements for all driver education instructors, and to establish a system of fees for certification. Vote 15-0. Rep. Charles B. Yeaton for Education.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Sunset; The Department of Postsecondary Vocational-Technical Education Renewed. The department of postsecondary vocational-technical education is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Uniform Certification. Amend RSA 106-A:2-a by inserting after paragraph VI the following new paragraph:

VI-a. Uniform classifications for certification of driver education instructors, including the same types of certification levels and the same qualifications required for each level for both private and public school instructors, and a system of fees for certification.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews the board of education-driver education for 6 years.

The bill, as amended, directs the department of education to adopt uniform certification levels and requirements for driver education instructors, and a system of fees for certification.

Amendment adopted.

Rep. Walker offered an amendment.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Sunset; The Board of Education - Driver Education Renewed. The board of education - driver education, PAU 06030805 (formerly PAU 060307), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Uniform Certification. Amend RSA 106-A:2-a by inserting after paragraph VI the following new paragraph:

VI-a. Uniform classifications for certification of driver education instructors, including the same types of certification levels and the same qualifications required for each level for both private and public school instructors, and a system of fees for certification.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews the board of education-driver education for 6 years.

The bill, as amended, directs the department of education to adopt uniform certification levels and requirements for driver education instructors, and a system of fees for certification.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Walker explained the amendment.

Rep. Hounsell spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

#### RECONSIDERATION

Rep. Blacketer moved that the House reconsider its action whereby it passed HB 670, relative to review of wood-fired electrical generating plants, and spoke to his motion.

Rep. Randall spoke in favor of the motion.

Reps. Frederic Foss, Douglas Hall and Oleson spoke against the motion. Motion lost.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 19 at 11:00 a.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 612, relating to insurance holding companies.

HB 666-FN, relative to medical insurance payments for incarcerated persons.

HB 722, relative to small loans.

HB 159-FN, relative to sunset review of the board of education - driver education.

HB 160-rN, relative to sunset review of postsecondary education commission - veterans education service and repealing the advisory committee.

HB 167-rN, relative to sunset review of the department of postsecondary vocational-technical education.

HB 281-FN, establishing a study committee on teacher shortages and salaries.

HB 654-FN, relative to dogs and cats.

HB 655-FN, relative to the testing of livestock in pulling contests.

HB 656-FN, relative to cruelty to animals.

HB 143-FN, relative to sunset review of the department of fish and game - law enforcement.

HB 692-FN, establishing an involuntary treatment task force.

HB 547, relative to medicaid fraud and patient abuse.

HB 403-FN, clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations.

HB 455, relative to criminal mischief.

HB 456-FN, relative to interference with burial grounds and unlawful possession or sale of gravestones.

HB 562-FN, relative to fireworks.

HB 131-FN, relative to sunset review of the state liquor commission - office of the commissioner/administration.

HB 132-FN, relative to sunset review of state liquor commission - office of the commissioner/regulation.

HB 134-FN, relative to sunset review of state liquor commission - warehouse.

HB 555-FN, relative to lucky 7 tickets sold by dispenser devices.

HB 542, relative to preferred provider agreements.

HB 550-FN, regulating investment promoters.

HB 177-FN, relative to sunset review of veterinary/medical/optometric education program and amending such program.

HB 661-FN, changing the name of the department of postsecondary vocational-technical education.

HB 714-FN, relative to assessment of open space land.

HB 470, establishing a department of commerce and establishing an international trade study commission.

HB 600-FN, relative to OHRV fees.

HB 724, relative to the transfer of 57 acres of Rye Harbor state park to the department of fish and game for wildlife management.

HB 449, relative to disciplinary actions for sexual misconduct of psychotherapists and a duty to report sexual misconduct of psychotherapists.

HB 530-FN, relative to assisted persons.

HB 398, relative to custody and support orders.

HB 727, relative to the right-to-know law.

HB 405, establishing a presumption of negligence for liability resulting from a nuclear incident.

HB 708, relative to excess electric generating capacity.

Rep. Palumbo moved that the House stand in recess.

Adopted.

The House recessed at 4:50 p.m.

RECESS

(Speaker in the Chair)

Rep. Palumbo moved that the House adjourn.

Adopted.



# HOUSE JOURNAL 15

*Thursday, 19Mar87*

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rev. Walter Larson of the Concord Lutheran Church in Concord.

Lord, we do not pray for ourselves this day, but for those whom we serve.

We remember the lonely, those whose lives are lived in separation and isolation. Open our hearts and minds to those who are alone.

We remember the sick. Lead us not to forget what it is to suffer, what it is like to be confined to a hospital or a life-sustaining device. Open our hearts to serve the sick and to care for their lives with our talents and gifts and love.

We remember the sorrowing, those who have lost a wife or husband, a child, a parent, a friend.

We remember the wanting, the poor, the homeless, the unemployed. Open our hearts to care for their needs with the abundance of prosperity in our midst.

We remember our children, their need to grow, to be safe, to live in a world surrounded by peace and freedom and an earth yielding resources, an earth pure and renewing itself. Open our hearts to nourish their growth and nurture their environment.

Lord, we remember those whom we serve, because You have remembered us in Your love and providence, and everlasting grace. Amen.

Rep. West led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Prestipino, Boisvert, Schwaner, Popov, George Gordon, Manus, Vartanian, Lussier, Foster and Wagner, the day, illness.

Reps. Parker, Lemire, Rodgers, Thurston, Wallner, Bass, Scott, Lionel Boucher, John Young, Gordon Arnold, Millard, Doris Riley, Stonner, Musler, Gerald Smith, Mulligan, Ware, Donna Kelly, Wadsworth, William Riley, Hardy and Michael Jones, the day, important business.

Reps. Walter and Shriver, the day, illness in the family.

## INTRODUCTION OF GUESTS

Concord Superintendent of School, Mark Beauvais, High School Principal, Charles Foley, Director of Athletics, William Haubrich, Sr., Basketball Coach, William Haubrich, Jr., and the Concord High School boys Varsity Basketball Team, Class L State Champions, guests of the House; former Representative Henry Sullivan, guest of Rep. Spear.

The Concord Delegation offered the following:

HOUSE RESOLUTION NO. 28

commending the boys' varsity basketball team of  
Concord High School.

WHEREAS, on March 13, 1987, the boys' varsity basketball team of Concord High School defeated Nashua High School, 52-48, to win the Class L Championship and boost its season record to seventeen wins against only four losses, and

WHEREAS, the victory brought to the Capital City the first Class L Championship in twenty-five years, and

WHEREAS, in order to gain their prestigious title, the newly-crowned champions had to overcome the burden of being seeded fourth in the State Tournament, and

WHEREAS, in the semi-final round of the State Tournament, Concord High School was faced with the formidable task of defeating number-one-seeded Merrimack High School, which it did by a score of 69-59, and

WHEREAS, led by Captain Larry Schimmoller, the team throughout the season had a well-balanced scoring attack, averaging sixty-seven points per game, and

WHEREAS, the 1987 team of champions was capably guided by Head Coach William F. Haubrich, Jr., whose father, William F. Haubrich, Sr., in 1962, was Head Coach of the Concord team that won the school's previous Class L Championship, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the Concord High School boys' varsity basketball team be publicly recognized and lauded on winning the Class L title, and be it further

RESOLVED, that the coach and players receive the highest accolade for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Concord High School.

Unanimously adopted.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 43, 54, 58, 65, 90, 178, 108, 136, 115, 176, 235, 230, 149, 199, 172, 228, 109, 127, 124, 158, 26, 64, 141, 85, 133 and Senate Joint Resolution numbered 1, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS and SJR

First, second reading and referral

SB 43-FN, relative to Regional Banking. (Commerce, Small Business and Consumer Affairs)

SB 54, relative to the investments of non-profit health services corporations. (Commerce, Small Business and Consumer Affairs)

SB 58, granting Cheshire Fair security guards the authority to detain persons on Cheshire Fair property. (Public Protection and Veterans Affairs)

SB 65, repealing the authorization for a committee to investigate the confinement of children. (Children, Youth and Elderly Affairs)

SB 90, relative to amusement parks. (Commerce, Small Business and Consumer Affairs)

SB 178, permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire retirement system. (Executive Departments and Administration)

SB 108, relative to immunity in criminal cases. (Judiciary)

SB 136, relative to joint and several liability. (Judiciary)

SB 115, relative to marriage. (Judiciary)

SB 176-FN-A, changing financial disclosure requirements. (Legislative Administration)

SB 235-FN, relative to municipal and county bonds. (Municipal and County Government)

SB 230-FN, reinstating the position of sealer of weights and measures in Nashua. (Environment and Agriculture)

SB 149, to prohibit regulations which exclude a municipality's fair share of multi-family housing. (Municipal and County Government)

SB 199, relative to branch banking. (Commerce, Small Business and Consumers Affairs)

SB 172-FN, regulating the taking of certain wildflowers and plants in New Hampshire (Environment and Agriculture)

SB 228, relative to disobeying a law enforcement officer. (Transportation)

SB 109, expanding the prohibition on possession of dangerous weapons by felons. (Judiciary)

SB 127, regulating abortions. (Health and Human Services)

SB 124, prohibiting abortions performed on certain minors without parental consent. (Health and Human Services)

SB 158, relative to limitations of prosecutions of sexual assault offenses. (Judiciary)

SB 26, prohibiting homosexuals from adopting, being foster parents, or running day care centers. (Judiciary)

SB 64, legalizing the New London-Springfield water system precinct meeting of March 18, 1986. (Municipal and County Government)

SB 141, naming the interstate bridge between New Hampshire and Maine, the Sarah Mildred Long Bridge. (Public Works)

SB 85-FN, establishing a special environmental court within the Manchester district court. (Judiciary)

SB 133-FN, relative to immunizing children. (Health and Human Services)

SJR 1, against communist tyranny. (State-Federal Relations)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 312, to legalize 2 town meetings held in Canaan, was removed at the request of Rep. Scanlan.

HB 560, authorizing municipalities to collect 13 months of taxes for each 12 month fiscal year, was removed at the request of Rep. Wright.

HB 632, relative to the adoption of capital improvement facility fees, was removed at the request of Rep. Leonard Smith.

HB 484, relative to placement and usage of electronic speed monitoring devices, was removed at the request of Rep. Durant.

Adopted.

(Deputy Speaker Burns in the Chair)

#### COMMITTEE REPORTS (Consent Calendar)

HB 393, relative to actions to determine the existence or extent of insurance coverage. Ought to Pass with Amendment.

This is a housekeeping bill. The present law does not allow insurers to bring action in Federal Court. This bill, as amended, will allow out-of-state insurers to determine the coverage of a liability insurance policy in the Federal Court and its protection will apply to all. Vote 20-0. Rep. David L. Gelinas for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing the availability of the remedy of declaratory judgment to determine the coverage of a liability insurance policy in the federal district court.

Amend the bill by replacing all after the enacting clause with the following:

1 Availability of Declaratory Judgment. Amend RSA 491 by inserting after 491:22-b the following new section:

491:22-c Availability of Remedy. The remedy of declaratory judgment to determine the coverage of a liability insurance policy under RSA 491:22, 22-a, and 22-b shall also be available in the United States district court for the district of New Hampshire when that court may properly adjudicate the matter under the laws of the United States.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, establishes the availability of the remedy of declaratory judgment to determine the coverage of a liability insurance policy in the United States district court for the district of New Hampshire.

HB 400, relative to qualifications of the bank commissioner, deputy bank commissioner, and professional personnel of the banking department. Inexpedient to Legislate.

This bill was deemed Inexpedient to Legislate because necessary information for clarification was not made available. Vote 20-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

HB 436, relative to insurance coverage for home health care. Ought to Pass.

This bill requires insurers, including health maintenance organizations, to offer the option of benefits for home health care to its insurers. The Committee feels this is good consumer legislation and will provide for cost containment of benefits. Vote 11-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

HB 459, relative to real estate trust accounts. Inexpedient to Legislate.

Part of this bill was dealt with in House Bill 532. Vote 18-0. Rep. A. Leslie Burns for Commerce, Small Business and Consumer Affairs.

HB 511, establishing minimum requirements for motor vehicle liability coverage. Inexpedient to Legislate.

After listening to all aspects of this bill, the Committee felt it was not in the best interest of the consumer. Vote 19-0. Rep. Lucille T. Wood for Commerce, Small Business and Consumer Affairs.

HB 581-FN, establishing minimum energy efficiency standards for appliances sold in the state. Re-Refer to Committee.  
The Committee feels that efficient appliances would save consumers' money, but felt that pending federal action on this issue should wait to take action at the State level. Vote 11-0. Rep. Raymond C. Buckley, II, for Commerce, Small Business and Consumer Affairs.

HB 608-FN, relative to municipal self-insurance plans and pooled risk management programs. Ought to Pass with Amendment.  
The Committee felt that this bill is a very essential bill to affirm the Pooled Risk Management Program in place with the New Hampshire Municipal Association. This program has saved communities which had been unable to obtain such coverage otherwise and has proven cost effective. Vote 18-0. Rep. Sara M. Townsend for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to pooled risk management programs.

Amend the bill by replacing all after the enacting clause with the following:

1 Pooled Risk Management Programs. Amend RSA by inserting after chapter 406-B the following new chapter:

#### CHAPTER 406-C POOLED RISK MANAGEMENT PROGRAMS

406-C:1 Purpose. The purpose of this chapter is to provide for the establishment of pooled risk management programs and to affirm the status of such programs established for the benefit of political subdivisions of the state. The legislature finds and determines that insurance and risk management is essential to the proper functioning of political subdivisions; that risk management can be achieved through purchase of traditional insurance or by participation in pooled risk management programs established for the benefit of political subdivisions; that pooled risk management is an essential governmental function by providing focused public sector loss prevention programs, accrual of interest and dividend earnings which may be returned to the public benefit and establishment of costs predicated solely on the actual experience of political subdivisions within the state; that the resources of political subdivisions are presently burdened by the securing of insurance protection through standard carriers; and that pooled risk management programs which meet the standards established by this chapter should not subject to insurance regulation and taxation by the state.

406-C:2 Definitions. In this chapter:

I. "Department" means the insurance department.

II. "Informational filing" means an annual filing with the department made solely for the purpose of providing public access to certain information concerning the nature and organization of pooled risk management programs. Such informational filing shall be limited to the following:



- (a) The name and legal address of each pooled risk management program;
- (b) A list of current officers, their titles and addresses;
- (c) A brief description of the coverage provided;
- (d) The annual audit required under RSA 406-C:5, I(d);
- (e) A written plan of operation or bylaws; and
- (f) The annual actuarial evaluation required under RSA 406-C:5, I(f).

III. "Political subdivision" means any city, town, county, school district, village district, school administrative district, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

IV. "Risk management" means the defense of claims and indemnification for losses arising out of the ownership, maintenance, and operation of real or personal property and the acts or omissions of officials, employees, and agents; the provision of loss prevention services including, but not limited to, inspections of property and the training of personnel; and the investigation, evaluation, and settlement of claims by and against political subdivisions.

406-C:3 Pooled Risk Management Authorized and Affirmed; Membership.

I. A political subdivision, by resolution of its governing body, may establish and enter into agreements for obtaining or implementing insurance by self-insurance; for obtaining insurance from any insurer authorized to transact business in this state as an admitted or surplus lines carrier; or for obtaining insurance secured in accordance with any method provided by law; or for obtaining insurance by any combination of the provisions of this paragraph. Agreements made pursuant to this paragraph may provide for pooling of self-insurance reserves, risks, claims and losses, and of administrative services and expenses associated with them among political subdivisions. To accomplish the purposes of this chapter, 2 or more political subdivisions may form an association under the laws of this state or affirm an existing association so formed to develop and administer a risk management program having as its purposes reducing the risk of its members; safety engineering; distributing, sharing, and pooling risks; acquiring insurance, excess loss insurance, or reinsurance; and processing, paying and defending claims against the members of such association.

II. RSA 53-A shall not apply to an association formed or affirmed under this chapter, nor to the participation in such an association by a political subdivision.

III. Pooled risk management programs established for the benefit of political subdivisions may provide any or all of the following coverages:

(a) Casualty, including general and professional liability; errors and omissions; workers' compensation and employer's liability; medical payments; or unemployment compensation as authorized under federal law.

(b) Property, including marine and inland navigation; transportation; boiler and machinery; fire; theft; or natural hazards.

(c) Vehicle, including any liability or loss arising from the ownership or operation of vehicles.

(d) Surety and fidelity.

(e) Environmental impairment.

(f) Hospital, medical, surgical or dental benefits for employees and their dependants.

(g) Life, income maintenance, accidental death and dismemberment, vision loss or impairment, or legal benefits for employees and their dependants.

406-C:4 Informational Filing Required; Fee. Pooled risk management programs established for the benefit of political subdivisions shall make an informational only filing as defined in RSA 406-C:2, II, with the department and shall pay an annual filing fee of \$150. Nothing contained

in this chapter shall be construed as enabling the department to exercise any rulemaking, regulatory or enforcement authority over any pooled risk management program formed or affirmed in accordance with this chapter. Pooled workers' compensation and unemployment compensation programs which are regulated by and which report to the department of labor and the department of employment security, under RSA 281 and RSA 282, respectively, shall be exempt from the requirements of this section as long as their operations and reports conform to the laws and rules adopted by those departments.

406-C:5 Standards of Organization and Operation.

I. Each pooled risk management program shall meet the following standards of organization and operation. Each program shall:

- (a) Exist as legal entity organized under New Hampshire law.
- (b) Be governed by a board composed of elected or appointed public officials, officers, or employees.
- (c) Return all earnings and surplus in excess of any amounts required for administration, claims, reserves, and purchase of excess insurance to the participating political subdivisions.
- (d) Provide for an annual audit of financial transactions by an independent certified public accountant. The audit shall be filed with the department and distributed to participants of each pooled risk management program.
- (e) Be governed by written bylaws which shall detail the terms of eligibility for participation by political subdivisions, the governance of the program and other matters necessary to the program's operation. Bylaws and any subsequent amendments shall be filed with the department.

(f) Provide for an annual actuarial evaluation of the pooled risk management program. The evaluation shall assess the adequacy of contributions required to fund any such program and the reserves necessary to be maintained to meet expenses of all incurred and incurred but not reported claims and other projected needs of the plan. The annual actuarial evaluation shall be performed by a member of the American Academy of Actuaries qualified in the coverage area being evaluated, shall be filed with the department, and shall be distributed to participants of each pooled risk management program.

II. If a pooled risk management program fails to provide for an annual audit or an annual actuarial evaluation, the department shall perform or cause to be performed the required audit or evaluation and shall be reimbursed the cost by the program.

406-C:6 Declaration of Status; Tax Exemption; Liability.

1. Any pooled risk management program meeting the standards required under this chapter is not an insurance company, reciprocal insurer, or insurer under the laws of this state, and administration of any activities of the plan shall not constitute doing an insurance business for purpose of regulation or taxation.

II. Any such program operating under this chapter, whether or not a body corporate, may sue or be sued; make contracts; hold and dispose of real property; and borrow money, contract debts, and pledge assets in its name.

III. Participation by a political subdivision in a pooled risk management program formed or affirmed under this chapter shall not subject any such political subdivision to any liability to any third party for the acts or omissions of the pooled risk management program or any other political subdivision participating in the program.

406-C:7 Confidentiality of Certain Claims Information.

Notwithstanding any provision of law to the contrary, any information of any pooled risk management program formed or affirmed under this chapter pertaining to claims analysis or claims management shall be privileged and confidential and not subject to disclosure to any third party.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, authorizes political subdivisions to develop joint risk management programs and affirms such plans or programs which now exist. Pooled risk management programs established for the benefit of political subdivisions shall make an informational filing with the insurance department and shall pay an annual filing of \$150. Plans or programs established or affirmed under the chapter are exempt from state insurance regulation or taxation.

HB 613-FN, relating to security deposits of insurance companies. Ought to Pass with Amendment.

To eliminate an archaic system wherein the New Hampshire Insurance Department since 1913 has been custodian of stocks and bond investments of Domestic Life Insurance the Committee unanimously agreed that with all other regulatory tools in place, a \$1,000,000 security deposit is adequate. Vote 11-0. Rep. Leo W. Fraser, Jr. for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by replacing section 6 with the following:

6 Noncompliance; Removal of Penalty for Failure to File in Time Stated. Amend RSA 411:12 to read as follows:

411:12 Noncompliance. Upon the failure of any company organized or doing business under this chapter to make the deposit [or file the statement in the time stated herein] required under RSA 411:8 the commissioner shall notify such company to issue no new policies until there shall have been compliance with said requirement.

7 Effective Date. This act shall take effect 60 days after its passage.

Amend paragraph III of section 5 of the bill by deleting it.

#### AMENDED ANALYSIS

This bill changes the amount the insurance commissioner may require under RSA 411:8 as a security deposit from a domestic life insurance company from an amount not less than the aggregate reserves of all policies in force less certain premiums, annuity considerations, and loans to an amount not to exceed the greater of \$1,000,000 or the amount of deposits in trust received under RSA 402:73.

The bill also changes the contents of the certificate issued by the commissioner under RSA 411:11 to be consistent with the changes in RSA 411:8. In RSA 411:13, the right of a company to withdraw a portion of a security deposit when its annual valuation of policies is less than its security deposit is deleted.

A provision in RSA 408:34 is removed which required that security deposits under RSA 408:34 be in lieu of deposits under RSA 411:8.

In this bill, as amended, certain RSA provisions are repealed which relate to an exception to the security deposit law and the purpose of securities held by the commissioner.

This bill, as amended removes a provision mandating that failure to file the annual statement required by RSA 411:4 in the proper time shall prevent an insurance company from issuing new policies.

HB 615-FN, creating a civil cause of action for unfair insurance trade practices. Re-Refer to Committee.

Due to a time constraint, and after consulting with the Office of the Attorney General, the Committee wishes to be able to correct the existing statute and voted to re-refer the bill. Vote 12-0. Rep. Sara M. Townsend for Commerce, Small Business and Consumer Affairs.

HB 124-FN, relative to sunset review of the real estate commission. Ought to Pass with Amendment.

This bill renews the Real Estate Commission PAU for six years. The amendment attaches the Real Estate Commission to the Department of State under RSA 21-G:10, requires the Real Estate Commission to adopt a code of ethics for the Commissioners and employees, removes the words "de novo" from RSA 331-A:7V, removes obsolete language under RSA 331-A:7-b, and sets up an investigation procedure where the people that investigate the problem are not part of the hearing panel that holds hearings on said problem. Vote 15-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Sunset; The Real Estate Commission Renewed. The real estate commission, PAU 020619 (formerly PAU 020626), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 New Section; New Hampshire Real Estate Commission Administratively Attached. Amend RSA 5 by inserting after section 13 the following new section:

5:13-a New Hampshire Real Estate Commission Administratively Attached. The New Hampshire real estate commission established under RSA 331-A:1-a shall be administratively attached, under RSA 21-G:10, to the department of state.

4 New Sections; Ethics Code. Amend RSA 331-A by inserting after section 1-c the following new sections:

331-A:1-d Ethics Code. The commission shall adopt as a rule under RSA 541-A an ethics code for commissioners and employees. This code shall include, but not be limited to, the following provisions:

I. No commission member shall participate in any action related to the issuance of a license or disciplinary matter involving himself or a person with whom he is personally or professionally associated, or in any such action in which he has a direct financial interest.

II. No commission member shall, for compensation of any type, teach or participate in any continuing education effort approved by the commission, provided, however, that a commission member may, in his capacity as such, participate in a continuing education program and receive such compensation as is normally authorized for commission related business.

III. No commission member shall serve as an officer of a professional association which represents real estate brokers or salesmen.

331-A:1-e Commission Administratively Attached. The commission shall be administratively attached, under RSA 21-G:10, to the department of state as provided in RSA 5:13-a.

5 New Paragraph; Rulemaking Added. Amend RSA 331-A:4-b, X and XI to read as follows:

X. Procedure in commission proceedings; [and]

XI. Procedures for the conduct of hearings consistent with requirements of due process; and

XII. The ethics code as required under RSA 331-A:1-d.



6 Appeals. Amend RSA 331-A:7, V to read as follows:

V. The action of the commission in revoking or suspending a license shall be subject to appeal to the superior court at the instance of the licensee within 30 days after the filing of the commission's decision. An appeal shall suspend the commission's decision. The appeal shall be tried as soon as practicable in the superior court without a jury. The superior court may affirm, reverse, or modify the commission's decision, as justice may require.

7 Obsolete Language Deleted. Amend RSA 331-A:7-b to read as follows:

331-A:7-b Payment by State. The cost and expenses of hearings conducted under RSA 331-A:7 shall be paid by the state. The governor is authorized to draw his warrant for the said sums of any money in the treasury not otherwise appropriated. [Those provisions of RSA 331-A:7 referring to the charging of such costs to the special fund created by the payment of license fees hereunder are repealed.]

8 Investigations. Amend RSA 331-A by inserting after section 7-b the following new section:

331-A:7-c Investigation Procedures. Before revoking or suspending a license under RSA 331-A:7 and in addition to the requirements of RSA 541-A and other specific statutes, the commission shall comply with the following procedures when investigating complaints against licensees under its supervision:

I. Upon receipt of a complaint the commission shall assign responsibility for investigation of the complaint to a commission member who shall investigate the complaint. Such commission member shall act for the commission in those duties set forth in RSA 331-A:7-a.

II. Based on the results of this investigation the investigating commission member shall make a written recommendation to the commission regarding whether a hearing should be held to consider disciplinary action against a licensee.

III. If the investigating commission member recommends that a hearing be held, the commission shall schedule such a hearing as required by RSA 331-A:7, II. The commission may, regardless of the recommendation of its investigator, elect to hold a hearing on any complaint.

IV. Disciplinary hearings shall be heard by a hearing panel consisting of at least 3 commission members. The hearing panel shall not include the member responsible for investigating the complaint in question.

V. The results of the investigation shall be presented to the commission by the investigating member.

9 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews the real estate commission for 6 years.

The bill, as amended, makes the real estate commission administratively attached to the department of state.

The bill also establishes an ethics code which shall be adopted under RSA 541-A and an investigation procedure for complaints against licensees.

The bill as amended also eliminates the de novo appeal procedure, while still allowing for an appeal.

HB 389, relative to postsecondary educational requirements for funeral directors. Re-Refer to Committee.

It is unclear as to the criteria for reciprocity agreement between states regarding Funeral Directors and Embalmers. At the present time, only five other states are recognized. The complexity of the problem dealing with standards and public health requires further study. Vote 14-0. Rep. Catherine A. Schneider for Executive Departments and Administration.



HB 677-FN, relative to a staffing plan for the new central psychiatric facility. Ought to Pass with Amendment.

This bill requires the Division of Mental Health and Developmental Services to develop a comprehensive staffing plan for the new adult psychiatric unit before it goes on line. The amendment requires that the plan also incorporate the facilities which serve the geriatric population at New Hampshire Hospital and Glenclyff Home for the Elderly. Vote 15-0. Rep. Phyllis M. Katsakiores for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to a staffing plan for the new central psychiatric facility and a staffing plan for the Glenclyff home for the elderly and programs in New Hampshire hospital.

Amend subparagraphs (a) and (b) of section 1 of the bill by replacing them with the following:

(a) Develop, with the approval of the division of personnel of the department of administrative services and the legislative fiscal committee, a staffing plan for the operation of the new central psychiatric facility, the Glenclyff home for the elderly, and the remaining programs within New Hampshire hospital.

(b) Reclassify, in accordance with the staffing plan under subparagraph (a), any position within New Hampshire hospital, PAU 05020504, or the Glenclyff home for the elderly, PAU 05020502, that is or becomes vacant and reclassify any position which is not vacant if the incumbent fills a newly reclassified position under rules adopted by the division of personnel.

#### AMENDED ANALYSIS

This bill, as amended, grants authority to the division of mental health and developmental services to develop a staffing plan for the Glenclyff home for the elderly, programs in New Hampshire hospital, and the new central psychiatric facility being constructed on the grounds of New Hampshire hospital. Under this bill, the plan shall be approved by the division of personnel of the department of administrative services and the legislative fiscal committee.

This authority extends for one year after the new facility is first occupied by patients.

HB 533-FN, relative to eligibility for unemployment benefits. Re-Refer to Committee.

The Committee felt this was too important an issue to be either passed or rejected without in depth study. Vote 17-0. Rep. Maurice B. MacDonald for Labor, Industrial and Rehabilitative Services.

HB 578-FN, relative to unemployment compensation. Ought to Pass with Amendment.

House Bill 578 has an amendment that was in HB 536, which is called zero offset, this provision would treat senior citizens with other workers. Section 7 was taken out of the bill because it was covered in HB 165. Lines 24 and 25 were taken out because of duplication.

Fiscal Impact. The Department of Employment Security has determined that this bill will have a fiscal impact on the State, county and local expenditures, but it is unable to determine the impact. There will be no fiscal impact on State, county or local revenues. Vote 17-0. Rep. Yvonne Coulombe for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend RSA 282-A:28, If, as inserted by section 3 of the bill by replacing it with the following:

II. If the employee contributed 50 percent or more to retirement pay as described in paragraph I, no portion of said payments shall be deducted from the individual's maximum weekly benefit amount. For purposes of this section, the employee's contribution shall be rounded up to the nearest percent.

Amend RSA 282-A:25, I as inserted by section 4 of the bill by replacing it with the following:

I. The maximum weekly benefit amount and maximum benefits payable to an eligible individual in any benefit year shall be determined by his annual earnings, of which in each of 2 calendar quarters he must have earned not less than \$1,000, as follows:

Annual Earnings of Not Less Than	Maximum Weekly Benefit Amount	Maximum Benefits
{ \$ 2,600 }	{ \$ 36 }	\$ 936 }
\$ 2,800	39	\$ 1,014
3,000	43	1,118
3,200	44	1,144
3,400	46	1,196
3,600	48	1,248
3,900	50	1,300
4,200	54	1,404
4,500	58	1,508
4,800	61	1,586
5,100	66	1,716
5,400	69	1,794
5,700	73	1,898
6,000	76	1,976
6,300	79	2,054
6,600	83	2,158
7,000	87	2,262
7,400	91	2,366
7,800	95	2,470
8,200	99	2,574
8,600	102	2,652
9,000	105	2,730
9,500	108	2,808
10,000	111	2,886
10,500	114	2,964
11,000	117	3,042
11,500	{ 117 } 120	{ 3,042 } 3,120
12,500	{ 120 } 123	{ 3,120 } 3,198
13,500	{ 123 } 126	{ 3,198 } 3,276
14,500	{ 126 } 129	{ 3,276 } 3,354
15,500	{ 129 } 132	{ 3,354 } 3,432
16,500	{ 132 } 135	{ 3,432 } 3,510

17,500	[135] 138	[3,510] 3,588
18,500	[138] 141	[3,588] 3,666
19,500	[141] 144	[3,666] 3,744
20,500	[144] 147	[3,744] 3,822
21,500	[147] 150	[3,822] 3,900
22,500	[150] 153	[3,900] 3,978
23,500	156	4,056

Amend RSA 282-A:46 as inserted by section 6 of the bill by replacing it with the following:

282-A:46 Redetermination. A certifying officer may, within 30 days of any determination, for good cause reconsider his determination or any part thereof, and may within 60 days reconsider that part of the determination that established the claimant's annual earnings, maximum benefit amount, or maximum weekly benefit amount, provided there was no appeal taken from the determination. Such redetermination shall be made, and an appeal therefrom may be had, in the same manner as the original determination.

Amend RSA 282-A:73, II as inserted by section 8 of the bill by replacing it with the following:

II. The provisions of RSA 282-A:74, RSA 282-A:75 and RSA 282-A:76 shall not apply to any employer electing reimbursement under RSA 282-A:69, II, RSA 282-A:70, RSA 282-A:71, or RSA 282-A:72.

Amend the bill by deleting section 7 and renumbering sections 8-11 to read as 7, 8, 9, and 10, respectively.

#### AMENDED ANALYSIS

The following is a section-by-section analysis of the bill:

Section 1 of this bill provides that wages, for the purposes of RSA 282-A:14, I and II, shall not include any payment made to an individual by reason of the individual's permanent separation from employment, for reasons other than retirement, under a prior existing plan maintained by employer contributions vested in the individual before the date of separation. Section 1 of this bill provides that, for such purposes, wages shall not include any portion of a lump sum payment for workers' compensation made pursuant to RSA 281:33.

Section 2 of the bill provides that lump sum payments pursuant to RSA 281:33 shall not constitute annual earnings.

Section 3 of the bill, as amended, provides that when an employee contributed 50 percent or more to retirement pay, as defined by RSA 282-A:28, no portion of such payments shall be deducted from the individual's maximum weekly benefit amount.

Section 4 of the bill increases the maximum weekly benefit amounts for certain salary ranges.

Section 5 of this bill removes the requirement that the 5 weeks of wages which an individual must earn to avoid disqualification for benefits must be consecutive.

Section 6 of this bill, as amended, provides that a certifying officer may reconsider the part of a determination procedure which established the claimant's annual earnings, maximum benefit amount, or maximum weekly benefit amount.

Section 7 of the bill provides that, when benefits are determined to be overpayments, such benefits shall be charged to the fund, unless the overpayment was caused by error of the employer.

Section 8 of the bill provides that the commissioner may enter into agreements to pay to a state or federal government a portion or all of the unemployment compensation otherwise payable to a claimant, if unemployment compensation benefits have been found overpaid under such state or federal unemployment compensation law.

HB 620-FN, relative to workers' compensation. Re-Refer to Committee. This is a third bill of a trilogy dealing with Workers' Compensation. The bill uses combined wages as the basis for Workers' Compensation, and provides for a reimbursement. It also eliminates the 341 week limitation on benefits for temporary partial disability, provides for reasonable attorney's fees and increases the percentage of interest on contested items. The Supreme Court has required a quid pro quo for any new benefits the bill needs. The bill needs further study and amending. Vote 14-0. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

HB 671-FN, relative to disability benefits for firefighters. Ought to Pass with Amendment.

The bill gives presumed disability benefits for firefighters who contract cancer. The amendment changes "conclusive presumption" to "prima facie presumption." The Department of Labor has been unable to determine the fiscal impact. Localities will have increased costs for pre-employment physicals. Self-insured communities will increase costs for benefits, and others indirectly in premiums. Vote 14-0. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend RSA 281:2, V-b as inserted by section 1 of the bill by replacing it with the following:

V-b. Notwithstanding the provisions of the paragraph V, there shall exist a prima facie presumption that cancer disease in a firefighter, whether he is a regular, call, volunteer, or retired member of a fire department, is occupationally related; provided, however, that a call or volunteer firefighter shall have the benefit of this prima facie presumption only if there is on record reasonable medical evidence that he was free of such disease at the beginning of his employment. In order to receive this occupational cancer disability benefit, the type of cancer involved must be a type which may be caused by exposure to heat, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer. It shall be the duty of the employer of call or volunteer firefighters to provide the required reasonable medical evidence; if the employer fails to do so, the call or volunteer firefighter shall have the benefit of the prima facie presumption regardless of the absence of said reasonable medical evidence. A retired firefighter who agrees to submit to any physical examination requested by his city, town, or precinct shall have the benefit of the prima facie presumption for a period of 40 years from the effective date of his retirement. For the purposes of this paragraph, a call or volunteer firefighter shall mean a firefighter not regularly employed by a fire department of any city, town, or precinct in the state, but answering for duty only to alarms of fire, and who has been appointed by the fire department and is a member of the New Hampshire State Fireman's Association.

#### AMENDED ANALYSIS

This bill, as amended, provides a prima facie presumption that cancer disease in firefighters is occupationally related; provided, in the case

of call and volunteer firefighters that there is reasonable medical evidence that the firefighter was free of such disease when he began his employment. The cancer must also be of a type which may be caused by exposure to heat, radiation, or a known carcinogen.

HB 675-FN, relative to workers' compensation liens against uninsured motorist recoveries. Ought to Pass.

This bill brings our statutes into conformity with a recent Supreme Court decision. It allows injured employees to collect from their own uninsured motorist. It polices that which they have bought and have paid premiums for. It does not affect an insurance carrier's right to recover from another negligent driver. Vote 13-3. Rep. Lawrence J. Guay for Labor, Industrial and Rehabilitative Services.

HB 687-FN, relative to eligibility for disability payments to injured workers. Ought to Pass with Amendment.

Presently, the law prohibits an injured worker from reopening his or her Workers' Compensation case if 4 or more years have gone by since the last wage payment, under Workers' Compensation. As amended, this bill would start with the last wage payment or medical payment, whichever was more recent. The Committee believed that this bill helps the worker who goes back to work even though he or she still needs medical treatment, but that it will not affect enough people to have a substantial cost impact. Vote 15-0. Rep. Leslie C. Nixon for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend RSA 281:40 as inserted by section 1 of the bill by replacing it with the following:

281:40 Review of Eligibility for Compensation. Any party in interest, in respect of an injury occurring after July 1, 1965, may petition the labor commissioner to review a denial or an award by such commissioner of compensation made pursuant to RSA 281:36, by a petition filed with such commissioner not later than the fourth anniversary of the date of such denial or the last payment of compensation or charges for medical or rehabilitation treatment, procedures, prescriptions, or devices, whichever is most recent, under such award or pursuant to RSA 281:36, as the case may be, upon the ground of a change in conditions, mistake as to the nature or extent of the injury or disability, fraud, undue influence, or coercion. This section shall [have no application] not apply to requests for extensions of medical and hospital benefits, or other remedial care, which shall be governed solely by those sections of this chapter relating thereto. Upon the filing of such petition, and after notice to all other interested parties and hearing, the labor commissioner shall enter an order either granting or denying an original award of compensation, if none has theretofore been paid, or for ending, diminishing or increasing the compensation previously paid or fixed by award, subject to the maximum or minimum provided in this chapter and shall state his reasons therefor. When a petition is filed for reduction of compensation, or for ending the same, the petitioner must accompany such petition with medical evidence that the injured employee is physically able to perform his regular work, or is able to engage in gainful employment. On the basis of such medical evidence the commissioner may authorize suspension of further payments pending hearing on the petition; otherwise compensation shall continue on the basis of existing award pending hearing and any further order by the commissioner. Such a review shall not affect such award with respect to money already paid. All procedure on such a petition shall be the same as herein provided for original hearings. Appeal from the decision of the labor



commissioner to the superior court may be made in the same manner as provided in RSA 281:37.

#### AMENDED ANALYSIS

This bill allows workers' compensation disability benefits to an injured worker for a new period of disability not later than 4 years after the date of denial or the last payment of compensation or charges for medical or rehabilitation treatment, procedures, prescriptions, or devices whichever is most recent.

HB 697-FN, relative to the definition of "wages" for workers' compensation purposes. Ought to Pass with Amendment.

This bill specifies that the wage rate which is used to calculate Workers' Compensation benefits shall include the value of any health and other insurance benefits paid by the employer. The amendment makes clear that if an employer continues to provide those benefits to a worker out of work on Workers' Compensation, he does not have to pay additional salary benefits. This modernizes the law and encourages continued health care protection for the families of people unable to work. Vote 14-0. Rep. Lawrence J. Guay for Labor, Industrial and Rehabilitative Services.

#### Amendment

Amend RSA 281:2, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Wages means, in addition to money payments for services rendered, the reasonable value of board, rent, housing, lodging, fuel or similar advantage received from the employer, [and] gratuities received in the course of employment from others than the employer, the value of the employer's contribution on behalf of the employee to health, disability and other forms of insurance, and the value of contributions to pension plans; but shall not include any sum paid by the employer to his employee to cover any special expenses entailed on the employee by the nature of his employment. In determining wages while the employee remains disabled, the employer responsible for weekly compensation shall be given a credit for its contributions to health, disability, and other forms of insurance, and the value of contributions to pension plans for as long as such contributions continue to be made.

#### AMENDED ANALYSIS

This bill adds the value of employee benefits to the definition of "wage" upon which weekly workers' compensation benefits are calculated.

The bill, as amended, clarifies the value of employee benefits which are added to the definition of "wage".

HB 702-FN, relative to workers' compensation medical and vocational rehabilitation benefits. Ought to Pass.

When the Commissioner of Labor makes a determination that an injury is work-related, the person responsible must pay compensation for wages even though the Commissioner's decision is challenged in court unless and until such decision is overturned. The paying company may reclaim, but frequently does not. The requirement to make payment does not extend to medical rehabilitation costs. Some insurance companies do make such payments. Others do not. The failure to make such payments frequently results in delayed treatment especially in rehabilitation. Such delay results in increased costs to Workers' Compensation, and also increases the probability he will never return to work. HB 702 will correct the above problems. Vote 14-0. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

HB 228, to legalize the 1985 Plymouth town meeting. Ought to Pass with Amendment.

The original HB 228 legalizes the Plymouth town meeting of 13 March 1985. The bill, as amended, also legalizes (1) the Plymouth Village water and sewer district meeting of 19 March 1986; (2) the town of Haverhill annual town meeting of 10 March 1987 and (3) the annual town meeting of the town of Hill, held 15 March 1986. Vote 17-0. Rep. Richard A. Grodin for Municipal and County Government.

#### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
legalizing certain town and district meetings.

Amend the bill by replacing section 2 with the following:

2 Town of Plainfield. All votes, proceedings, and actions of the annual town meeting in the town of Plainfield held March 12, 1985, are hereby legalized, ratified, and confirmed, including but not limited to voting to authorize borrowing and expending money for a backhoe.

3 Plymouth Village Water and Sewer District. All votes, proceedings, and actions of the annual village district meeting in the town of Plymouth held on March 19, 1986, are hereby legalized, ratified, and confirmed, including but not limited to voting to authorize borrowing and expending money for a ground water exploration and an analysis of the existing water distribution system.

4 Town of Haverhill. All votes, proceedings, and actions of the annual town meeting in the town of Haverhill held March 10, 1987, are hereby legalized, ratified, and confirmed.

5 Town of Hill. Notwithstanding RSA 31:19, all votes, proceedings, and actions of the annual town meeting in the town of Hill held March 13, 1986, are hereby legalized, ratified, and confirmed, including but not limited to all action relative to the Edwin W. Ferrin Memorial Trust.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill, as amended, legalizes all actions taken at the following meetings:

I. The annual town meeting in the town of Plymouth, held March 13, 1985.

II. The annual town meeting in the town of Plainfield, held March 12, 1985.

III. The annual village district meeting in the town of Plymouth, held March 19, 1986.

IV. The annual town meeting in the town of Haverhill, held March 10, 1987.

V. The annual town meeting in the town of Hill, held March 13, 1986.

HB 457, requiring notice to abutters for certain proposed zoning ordinance amendments. Inexpedient to Legislate.

The object of this bill is to help inform people of prospective zoning changes which might affect them. As written, however, it would seriously interfere with the right to petition. Vote 16-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 475, relative to required access to land for a building permit. Inexpedient to Legislate.

The sponsor wished to have this bill Inexpedient to Legislate. The selectmen of her town agreed. Vote 17-0. Rep. John S. Barnes, Jr. for Municipal and County Government.

HB 487, relative to the membership of the Hillsborough county executive committee. Inexpedient to Legislate.

The Committee agreed this bill is best addressed at the local level. It appears that "home rule" should prevail. Vote 17-0. Rep. Lillian E. Soucy for Municipal and County Government.

HB 517, relative to assessments for sewer rental charges. Ought to Pass.

This action allows a fair and equitable method to allow municipalities of assessment for sewer rental charges, relating to a difference in two types of systems. Vote 18-0. Rep. Paul A. Golden for Municipal and County Government.

HB 525-FN, relative to the compensation of town clerks and fees paid to a clerk. Inexpedient to Legislate.

The Committee felt that this subject could best be handled on the local level. Vote 18-0. Rep. Eugene W. Clark for Municipal and County Government.

HB 529-FN, relative to the amount of the adjusted elderly property tax exemption. Inexpedient to Legislate.

The subject matter contained in this bill is addressed in HB 589 which has been voted as Ought to Pass by the Committee. Vote 18-0. Rep. David M. Perry for Municipal and County Government.

HB 538-FN, relative to required parks on plats and creating nonlapsing accounts for acquisition and development of property for recreational purposes. Inexpedient to Legislate.

This action is addressed by RSA 674:36 and allows what is proposed in this bill. Weight of testimony pointed in negative support, and shadow of constitutionality. Vote 18-0. Rep. Paul A. Golden for Municipal and County Government.

HB 556-FN, relative to recording fees. Ought to Pass with Amendment. This bill has the complete support of the Registers of Deeds and clarifies existing law relative to recording fees. Vote 18-0. Rep. George M. West for Municipal and County Government.

#### Amendment

Amend RSA 478:17-g, I as inserted by section 1 of the bill be replacing it with the following:

1. For recording each deed, mortgage, attachment of real estate, lease, agreement, assignment, release, partial discharge, or any like document, \$8 for the first recorded page, plus \$3 for each additional recorded page, except [for the complete discharge of a mortgage, filings pursuant to RSA 382-A, or a lien, for which the fee shall be \$8] that assignments of mortgages shall be \$8 for the first assignment per recorded document, plus \$5 for each subsequent mortgage being assigned, plus \$3 for each additional recorded page. The complete discharge of a mortgage, filings pursuant to RSA 382-A, or discharge of a lien shall be \$8. Said charges shall include all charges for information furnished in compliance with RSA 478:14.

HB 563-FN, relative to water supply improvement bonds and notes issued by municipalities. Inexpedient to Legislate.

Testimony showed that disadvantages of increasing contingent debt outweighed any advantages. Vote 18-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 379-FN, establishing state owned public land preserves. Ought to Pass with Amendment.

House Bill 379, as amended, provides a significant policy directive leading to a deliberate policy of retaining many tracts of land presently under State ownership. The bill further provides for legislative review of other state-owned lands to insure careful stewardship of those lands for use by future generations. A report is due by December 1, 1987. Vote 18-0. Reps. Douglas R. Woodward and MaryAnn N. Blanchard for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to public land preservation.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Public Land Preservation. Amend RSA by inserting after RSA 219 the following new chapter:

#### CHAPTER 219-A PUBLIC LAND PRESERVATION

219-A:1 Declaration of Purpose. With the steadily increasing population and the demand for continuing development of the land for residential and other purposes, certain public forest and recreational land owned by the state should remain in the state's ownership for future generations' enjoyment of these valuable natural resources and for public outdoor recreation, forest and wildlife conservation, certain authorized agricultural uses, and the enjoyment of nature's beauty; therefor the general court deems it desirable to retain ownership of tracts of land for the benefit of generations to come.

219-A:2 Preservation of State Lands. The natural areas of state land under the control of the department of resources and economic development shall be retained by the state in their present natural condition, other statutes and provisions of law notwithstanding.

219-A:3 Certain Uses Authorized. The department of resources and economic development is authorized to permit in any preserved state land the development of:

1. Trails and other low density recreational activities, including: access, parking and public service buildings;

II. Agricultural uses; and

III. Forest management programs.

2 Review of Lands. The department of resources and economic development, the department of fish and game, and the water resources division are instructed to review all of their existing lands for appropriate inclusion in the state land preserve system by December 1, 1987. In making its analysis, a report of which goes to the governor and council, the speaker of the house of representatives and president of the senate and the above named agencies shall consult with the office of state planning.

3 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill requires natural areas of the state land under the control of the department of resources and economic development to be retained by the state in their present natural condition.

Recreational and agricultural uses, reforestation and forest management programs may be authorized by the department of resources and economic development on any of the land being preserved.

The department of resources and economic development, department of fish and game, and water resources division shall submit a report on all their existing lands which are appropriate for inclusion in the state land preserve system.

HB 437, relative to motorboat and jet ski operation. Ought to Pass with Amendment.

This bill establishes an administrative, as opposed to the traditional legislative, process for Safety Services to establish, and to enforce, restrictions on boat speeds, horsepower, etc., on bodies of State waters. It also fixes age 16 as the minimum age for operators unaccompanied by an adult of boats in excess of 25 horsepower and for operating jet skis. Vote 17-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

## Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Boat Operations. RSA 270:12 is repealed and reenacted to read as follows:

270:12 Operating Restrictions.

1. For purposes of this section "boats" means, without limitation, water-borne vehicles or devices which are hand, wind, air, or mechanically propelled or towed, including amphibian or pontoon aircraft below step speed.

11. The director of the division of safety services, department of safety, shall adopt rules, pursuant to RSA 541-A, after public hearing conducted in accordance with paragraph III, governing the types of motors which may be operated and the maximum horsepower and the maximum speed limits for the operation of boats, which may be applicable to all or any portion of the public waters of the state. Written variances may be granted by the director from restrictions on certain bodies of water depending on the the physical condition of an individual applicant and the geographical characteristics of the particular body of water, and the director shall be the sole judge of whether or not the variance is appropriate and is granted.

III. The director shall adopt procedures for conducting hearings required for the adoption of rules under this section, which shall be held in the vicinity of the body of water under consideration.

IV. The director shall also pursuant to RSA 541-A, adopt rules relative to enforcement of the prohibition on the use of boats on public waters where the restrictions are being violated.

2 Director of Safety Services to Adopt Rules. The director of safety services, department of safety shall adopt rules under the provisions of RSA 541-A by December 1, 1987, which are consistent with the provisions of RSA 486 for the lakes and ponds involved in view of repealing RSA 486.

3 Minimum Age for Power Boat Operation. Amend RSA 270:30 to read as follows:

270:30 Minimum Age for Operation. No person under the age of [15] 16 years shall operate upon the public waters of the state a [motorboat or outboard motor] boat, as defined in RSA 270:12, 1, having power in



excess of 25 horsepower unless he is accompanied by an adult, and such adult shall be liable for personal injury or property damage which may result from such operation. Whoever violates this section shall be guilty of a violation.

4 Minimum Age for Operation of Jet Skis. Amend RSA 270:30-b to read as follows:

270:30-b Jet Skis. No person under [15] 16 years of age shall operate jet skis on any public waters of the state; nor shall any person operate or allow another person to operate jet skis within 150 feet of one another, other boats or the shore at a speed greater than necessary to maintain steerage. Any person operating jet skis shall wear a personal flotation device which is Coast Guard approved type 1, [or] 2, or 3. The owner of any jet ski in violation of this section may be subject to loss of the boat registration for the jet skis and the operator in violation of this section shall be guilty of a violation.

5 Repeal. RSA 486, relative to restrictions on boating, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect January 1, 1988.

II. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

The bill raises the minimum age for the operation of a power boat, when unaccompanied by adult, from age 15 to age 16. The bill also requires a person operating jet skis to be at least 16 years of age, rather than 15, and imposes a speed limit on jet skis.

The bill, as amended, requires the director of safety services to adopt rules, pursuant to RSA 541-A, relative to horsepower and speed restrictions on boats on the public waters of the state.

The bill, as amended, directs the director of safety services to adopt rules to the effect of existing provisions of RSA 486 by December 1, 1987, and repeals RSA 486 as of January 1, 1988.

HB 574-FN, requiring all commercial and private boats to be under the federal boat numbering system. Re-Refer to Committee.

The Committee wishes to re-refer HB 574 because a need exists for the use of a unified boat numbering system throughout the State, but the bill, as presently written, does not adequately address the subject. Vote 14-0. Rep. Howard C. Dickinson, Jr., for Resources, Recreation and Development.

HB 586-FN, relative to mooring of boats on lakes and ponds in New Hampshire. Ought to Pass with Amendment.

This bill, as amended, represents a compromise among various philosophies concerning the control of moorings on the State's public waters. Starting from a neutral platform, the provisions of the amendment were crafted to regulate moorings in a way that accommodates the major concerns of all parties. Procedures are outlined to develop and permit both public and private mooring fields; criteria for permitting individual mooring sites includes that the applicant demonstrate a need for a mooring. Safety Services will be the regulatory agency. Opportunity is given to localities to participate through public hearings on the location of mooring fields and areas; the Office of State Planning can work with local communities to address specific problems beyond the scope of this bill. The Office of State Planning and Safety Services will monitor the implementation of this program over the next two boating seasons and report back to the General Court and Governor and Council. Permitting will replace the current notification procedures in 1988. Vote 15-1. Rep. Mary Ann Lewis for Resources, Recreation and Development.

## Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Moorings. Amend RSA 270 by inserting after section 58 the following new subdivision:

## Mooring of Boats on Public Waters

270:59 Definitions. In this subdivision:

I. "Director" means the director, division of safety services, department of safety.

II. "Division" means the division of safety services, department of safety.

III. "Mooring" when used as a noun, means a mooring anchor and mooring buoy together with attached chains, cables, ropes, and pennants and related equipment used for the purpose of securing watercraft.

IV. "Mooring anchor" means any anchor or weight which is designed to rest on the bed or to be buried in the bed of a navigable water body, which is designed to be attached by a chain, cable, rope, or other mechanism to a mooring buoy and which is designed to be left in position permanently or on a seasonal basis.

V. "Mooring area" means an area which has been designated as an appropriate location for a concentration of individually permitted moorings to be placed.

VI. "Mooring buoy" means any float or marker which is attached to a mooring anchor and either is suitable for attachment to a boat through the use of a pennant or other device or facilitates the attachment of the boat to the mooring anchor.

VII. "Mooring field" means any group of 5 or more moorings with individual moorings located according to a plan and maintained by an individual, organization, business, or governmental entity which is responsible for assignment of mooring locations and general supervision of the mooring field.

VIII. "Shorefront property" means any property recognized as a legal building lot by a municipality, having shore frontage on public waters. Shorefront property shall not mean a deeded right-of-way, nor shall it mean lots not contiguous to the shore with any other type of legal shorefront access. For the purposes of this subdivision, property owned in common by condominium associations or other groups shall be deemed owned by the group and shall not convey any rights under this subdivision to its individual members.

270:60 Statement of Intent.

I. The general court finds that:

(a) Water is a public resource held in trust by the state and that the state maintains jurisdiction to control the use of public waters for the greatest public benefit; and

(b) The public waters are a significant asset which enhance the well-being and lifestyle of the state's citizens, benefit the state's substantial tourist industry and the environment, and are a habitat for many fish and wildlife; and

(c) That undue proliferation of moorings is detrimental to the integrity of the state's waters and the public's enjoyment thereof.

II. The general court intends to establish through this subdivision a means of regulating the usage of moorings on public waters. Existing moorings may be permitted in their existing locations, provided such moorings comply with the provisions of this subdivision.

270:61 Mooring Permit Required; Limitations.

I. Any person erecting, installing, maintaining, or exercising control over a mooring on any of the public waters of this state shall obtain a mooring permit from the division as provided in this subsection.

11. Any person applying for a mooring permit shall:

(a) Demonstrate to the satisfaction of the director that a need for the mooring exists:

(1) Either by furnishing the director with proof of a boat registration for each mooring requested, or for persons owning boats not requiring registration, proof of boat ownership for each mooring requested; or by showing that circumstances exist which require that a mooring be available for intermittent or temporary use; and

(2) By verifying that no other viable and safe alternative exists for securing the boat in question; and

(b) Show to the satisfaction of the director that he has legal access over land to such mooring; and

(c) Show to the satisfaction of the director that such mooring will not be sold or leased except as provided in RSA 270:67; and

(d) Furnish any additional information required by the director to determine that a proposed mooring meets the requirements of this subdivision.

III. Unless a special exception is granted under RSA 270:65, or a mooring field or mooring area has been permitted under RSA 270:67 or 270:68, no more than one mooring shall be permitted adjacent to any shorefront property. This limitation shall apply regardless of the uses or permitted uses, number of owners or others with legal access, or type of ownership of that property, and shall not be construed to exempt any applicant from meeting all of the requirements of this subdivision.

270:62 Decal issuance; Display; Replacement; Renewal; and Fee.

1. The division shall issue a decal containing a control number for any mooring to any person who has completed the permit application procedure adopted pursuant to RSA 270:71 and met the requirements of this subdivision and applicable rules. A record of the issuance of the decal for a particular mooring shall be maintained by the division.

II. The decal shall be affixed to the mooring buoy according to rules adopted by the division under RSA 541-A.

III. If the decal is lost, destroyed, or removed from the mooring buoy, the owner shall notify the division as soon as possible and shall apply for a replacement decal.

IV. Any decal issued pursuant to this subdivision shall be valid until December 31 of each year. Decals shall be renewed prior to the use of the mooring in the following year.

V. An annual mooring fee of \$25 shall be charged for each decal issued pursuant to this subdivision.

270:63 Transfer of Mooring Permits Prohibited.

1. A mooring permit shall not be construed as ownership of any real or personal property and shall not be transferred to any other person or location by gift, sale, lease, or rent except as provided in RSA 270:67.

II. No person shall charge or be charged for the use of a mooring by any other person except as provided in RSA 270:67

270:64 Moorings Prohibited.

I. No mooring shall be located:

(a) In such a manner that it constitutes a hazard to the public safety because it interferes with or impedes, or could potentially interfere with or impede, navigation; or

(b) In such proximity to other moorings as to constitute a hazard to public safety; or

(c) In such a manner that it presents an unreasonable adverse effect on the environment, including but not limited to water quality, wildlife habitats, or natural areas; or

(d) In such a manner that it unreasonably interferes with other recreational uses of the water and adjacent land.

II. The director shall develop rules to carry out the purposes of this subdivision pursuant to RSA 270:71 and RSA 541-A.

270:65 Special Exceptions. The director shall, by rule, develop standards for granting special exceptions for the placement of from 2 to 4 moorings adjacent to a shorefront property. The placement of 5 or more moorings adjacent to a shorefront property shall require approval of a mooring field permit or mooring area designation pursuant to RSA 270:67 or RSA 270:68.

270:66 Removal of Moorings; Powers of Director.

I. The director or his agents may remove or cause the removal of, or may move or cause the moving of, any mooring, mooring component, or boat attached to it, or any combination thereof, which:

- (a) Is in violation of RSA 270:63; or
- (b) Is in violation of RSA 270:64; or
- (c) Does not bear the decal required under RSA 270:62; or
- (d) Constitutes a hazard to public safety because of the manner in which it is constructed or maintained; or
- (e) Bears a permit which was obtained by falsification in the permit application process.

II. When the director or his agents believe that the mooring to be removed or moved does not constitute an imminent hazard to the public safety, the director shall notify the person who owns or controls the mooring that they have the right within 10 days of the notice to request that a hearing be held prior to the removal or moving of the mooring.

III. When the director or his agents believe that the mooring constitutes an imminent hazard to the public safety, the director or his agent shall move or remove the mooring and shall give the person who owns or controls the mooring the right to request within 5 days after the mooring has been moved or removed that a hearing be held.

IV. Any boat which is removed pursuant to paragraph 1 shall be stored in a safe place and the owner shall be notified. Before he may reclaim a boat which has been removed pursuant to paragraph I, the owner shall reimburse the person who removed the boat for any costs incurred in transporting and storing the boat.

270:67 Public and Private Mooring Fields; Public Fields Established; Permit Required.

1. Public Mooring Fields.

(a) The office of state planning shall identify suitable locations for public mooring fields and prioritize the need for the development of such sites. The office of state planning shall encourage appropriate state agencies and governmental entities to develop such sites and shall recommend steps to facilitate their development. The office of state planning shall notify the division of recommendations and actions relevant to this section. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvements programs of the adjacent municipality.

(b) The division shall issue a permit to any applicant for a public mooring field who shows to the satisfaction of the director that:

(1) The location, size, and configuration of the public mooring field meet the criteria established pursuant to RSA 270:71; and

(2) Adequate access exists to serve the needs of the users of the mooring field; and

(3) The mooring field will comply with the provisions of RSA 270:64; and

(4) No mooring will be sold or leased except as provided in this subdivision.

(c) Each public mooring field permitted by the director shall be assessed an annual mooring fee of \$25 for each mooring installed in the public mooring field.

(d) Municipalities or other governmental agencies may establish public mooring fields as provided in this section.

(e) Operators in charge of maintaining public mooring fields may charge no more for the use of a mooring than an amount which reasonably covers the costs of mooring installations, maintenance, and other services directly related to the use of the mooring and which reflects a profit margin in keeping with the actual services rendered.

(f) Prior to recommending any public mooring field, the office of state planning shall conduct a public hearing in the municipality where the proposed field is located.

(g) After giving consideration to recommendations of the office of state planning, the director shall, by rule, develop standards pursuant to RSA 270:71 relative to the location, size, and configuration of public mooring fields.

#### 11. Private Mooring Fields.

(a) The office of state planning may make recommendations to the division regarding the suitable location, size, and configuration of private mooring fields. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvements programs of adjacent municipalities and may reflect the result of local public hearings.

(b) The division shall issue a permit to any applicant for a private mooring field who shows to the satisfaction of the director that:

(1) The location and size of the mooring field meet the criteria established pursuant to RSA 270:71; and

(2) Adequate access exists to serve the needs of the users of the mooring field; and

(3) The mooring field will comply with the provisions of RSA 270:64; and

(4) No mooring will be sold or leased except as provided in this subdivision.

(c) Each private mooring field permitted by the director shall be assessed an annual mooring fee of \$25 for each mooring installed in the private mooring field.

(d) Operators in charge of maintaining private mooring fields may charge no more for the use of a mooring than an amount which reasonably covers the costs of mooring installations, maintenance, and other services directly related to the use of the mooring and which reflects a profit margin in keeping with the actual services rendered.

(e) After giving consideration to the recommendations of the office of state planning, the director shall, by rule, develop standards pursuant to RSA 270:71 relative to the location, size, and configuration of private mooring fields.

#### 270:68 Mooring Areas; Designation.

1. The division shall, after consultation with the office of state planning, determine the need and suitable locations, size, and configuration for mooring areas. The director shall designate appropriate mooring areas and assign mooring sites within such designated areas to individuals who meet all other requirements of this subdivision and can demonstrate a need for a site in such area. All designated mooring areas shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvements programs of the adjacent municipality.

11. Any mooring which does not comply with the specifications of this section may be subject to removal at the owner's expense.

#### 270:69 Hearings; Appeals.

1. All disputes arising under this subdivision shall be reviewed by hearings officers of the department of safety. Except as provided in RSA 270:66, 11 and 111, a request for a hearing under this section shall be filed with the department of safety within 30 days of the disputed act. Hearings shall be held according to the provisions of RSA 541-A for adjudicative proceedings.



11. Any person aggrieved by a decision of a hearings officer under paragraph I may appeal the decision in accordance with RSA 541.

270:70 Liability. Nothing in this subdivision shall relieve the holder of a mooring permit from liability relating to water pollution, accidents, or other liabilities associated with a mooring or boat ownership.

270:71 Rulemaking.

1. The director of the division shall adopt rules under RSA 541-A relative to:

(a) The content and design of all forms and permits necessary under this subdivision.

(b) The method of filing applications for mooring permits and standards to be met pursuant to RSA 270:64.

(c) Procedures for the issuance, renewal, and replacement of decals.

(d) The proper placement of decals on a mooring buoy.

(e) The use, design, weight or size, construction, lighting, placement (including safe spacing), and required maintenance of individual moorings.

(f) Procedures and criteria for approving the location and size of public and private mooring fields.

(g) The use, operation, design, maintenance, and lighting of mooring areas, taking into account variations in factors including but not limited to water depth, shoreline configuration, wind exposure, domestic water use in the area, other environmental conditions and effects, and other similar factors. These rules shall include the placement of individual moorings within areas, the configuration and design of grid positions, and minimum distances between individual moorings.

(h) Procedures and criteria for determining the need for designating mooring areas and suitable locations, size, and configuration of such areas.

(i) Procedures for designating mooring areas.

(j) Criteria to determine that an applicant:

(1) has a need for a mooring; and

(2) has legal access over land; and

(3) does not intend to sell or lease moorings,

except as provided in RSA 270:67.

(k) Criteria for determining whether a special exception should be granted.

(l) The enforcement of this subdivision, including methods and times of inspections of moorings.

11. The office of state planning, the wetlands board, and the water supply and pollution control division of the department of environmental services shall review these rules and make recommendations to the division.

11I. The director shall initiate the rulemaking process required by this subdivision by December 1, 1987.

270:72 Penalties.

1. Except as provided in paragraph II, any person violating the provisions of this subdivision shall be guilty of a violation for the first offense and guilty of a misdemeanor for any additional offenses.

II. Any person who steals or falsifies a decal issued under RSA 270:62 shall be guilty of a misdemeanor.

III. The director may deny an application for a subsequent mooring permit to any person found to have violated the provisions of this subdivision.

2 Appropriation.

1. The sum of \$25,000 is hereby appropriated to the department of safety, division of safety services, for the fiscal year ending June 30, 1987; and the sum of \$150,000 is appropriated to the department of

safety, division of safety services, for the fiscal year ending June 30, 1988. This appropriation shall be in addition to any other appropriations for the department for those fiscal years. The sums are to be expended to implement the provisions of this act.

II. The sum of \$10,000 is hereby appropriated to the office of state planning for the biennium ending June 30, 1989, for the purpose of implementing the provisions of this act. This sum shall be in addition to any other appropriation for said office for the biennium.

III. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

### 3 Effective Date.

I. RSA 270:59-60 and RSA 270:64-72 and section 2 of this act shall take effect upon its passage.

II. RSA 270:61, 62, and 63 as inserted by section 1 of this act shall take effect January 1, 1988.

### AMENDED ANALYSIS

This bill provides a mechanism for regulating the placement of use of moorings on state owned waters.

The bill establishes specific restrictions on the placement and use of moorings. The division of safety services, department of safety, has the administration and enforcement responsibilities under the provisions of this subdivision.

Annual mooring fees of \$25 shall be charged for each mooring decal issued. Public and private mooring fields will be established by permit issued by the division of safety services. The office of state planning shall identify suitable locations for public mooring fields on public waters. The office of state planning shall make recommendations relevant to public mooring fields.

The director of the division of safety services is given certain rulemaking authority by this bill.

An appropriation of \$175,000 is made for the division of safety services for fiscal years 1987 and 1988, and an appropriation of \$10,000 is made for the office of state planning for the biennium ending June 30, 1989.

### Referred to Appropriations.

HB 660-FN, relative to information services at highway rest areas and appropriating fees for these services. Ought to Pass with Amendment. The bill provides for the renting of advertising space in rest areas, and sets aside fees collected for the placement and maintenance of such information services in a special account for the Office of Vacation Travel. The fees are continually appropriated to create and maintain the information services. When reclassification of a highway takes place, it will not affect regulations already in place regarding billboards. This is virtually the same bill which was passed by the House last year. Vote 17-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Advertising Space. Amend RSA 230:52 to read as follows:

230:52 Exclusion of Commercial Enterprises.

I. No commercial enterprise or activities shall be authorized or conducted by the commissioner of transportation or any other agency of the state within or on the property acquired for or designated as a limited access facility.

II. Notwithstanding the provisions of RSA 230:52, I, advertising space and other traveler information services may be rented for a fee established by the commissioner of transportation, with the advice and cooperation of the office of vacation travel, by rules adopted under RSA 541-A. The amount of the fee shall not exceed a fair portion of the cost of maintaining the service. Fees collected under this paragraph shall be deposited as provided in RSA 236:86, III.

2 Information Sites. Amend RSA 236:86 to read as follows:

236:86 Information Sites.

I. The commissioner of transportation shall, in consultation with the Secretary of Transportation or appropriate federal official of the United States as provided by subsection (f) of section 131 of Title 23, United States Code, provide within the rights-of-way for areas at appropriate distances from interchanges on the interstate system, on which signs, displays and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards.

II. The development of a cooperative information service at any rest area is authorized, subject to approval of the Secretary of Transportation or appropriate federal official, where applicable, in accordance with subsection (i) of section 131, of Title 23, United States Code. Such service shall be coordinated and controlled through the office of vacation travel in the department of resources and economic development, with the cooperation of the department of transportation, and these agencies shall have the responsibility of training any personnel which may be hired. Expanded information services may include, but not necessarily be limited to, sign plazas, racks of advertising brochures, computers, and equipment deemed by the office of vacation travel as necessary for the distribution of tourist-related information to the traveling public.

III. The fees collected pursuant to RSA 230:52, II shall be deposited in a special account for the office of vacation travel to be expended to create and maintain the cooperative information services, and for this purpose are hereby continually appropriated.

IV. Notwithstanding the provisions of paragraphs II and III, the office of vacation travel may utilize funds from the sale of posters, advertising, and promotional materials to purchase additional materials for resale. Any profit accruing from these sales will be deposited to unrestricted general fund revenue.

V. Individual businesses and organizations may assist in development of an information service plan, with final approval given by and design designated by the office of vacation travel, and subject to approval of the Secretary of Transportation or appropriate federal official, where applicable, in accordance with subsection (i) of section 131, of Title 23, United States Code.

3 Definition of Signs. Amend RSA 236:70, III to read as follows:

III. The words "directional and informational signs" shall mean directional and informational signs in the specific interest of the traveling public, or other official signs and signals erected or maintained by state or other public agencies having jurisdiction, provided the erection of such signs is not inconsistent with the standards to be promulgated by the United States Secretary of Transportation under section 131(f) of the Federal Highway Beautification Act of 1965, or provided they are business directional signs established as official signs to provide directional information for eligible motorist-oriented privately owned businesses. For the purposes hereof, informational signs are deemed to be in the specific interest of the traveling public only if they contain information about public places operated by federal, state or local governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally suited for outdoor recreation, and places for

camping. The commissioner of transportation is vested with authority to determine whether informational signs are in the specific interest of the traveling public.

4 Definitions of Highway Systems. Amend RSA 236:70, IV and V to read as follows:

IV. The words "interstate system" shall mean all highways which are a part of the national system of interstate and defense highways described in subsection [d] (e) of section 103 of Title 23, United States Code, and such highways as may be so reclassified from time to time as provided in subsection (f) of section 103 of Title 23, United States Code.

V. The words "federal aid primary system" shall mean all highways which are a part of the federal aid system described in subsection (b) of section 103 of Title 23, United States Code, and such highways as may be so reclassified from time to time as provided by subsection (f) of section 103 of Title 23, United States Code.

5 Definitions. Amend RSA 236:70, XVI to read as follows:

XVI. "Federal aid secondary system" means all highways which are a part of the federal aid system described in subsection (c) of section 103 of Title 23, United States Code, and such highways as may be so reclassified from time to time as provided in subsection (f) of section 103 of Title 23, United States Code.

6 Agreement with United States Secretary of Transportation. Amend RSA 236:83 to read as follows:

236:83 Agreement with United States Secretary of Transportation Relating to the Erection of Advertising Devices. The commissioner of transportation may enter into agreements with the Secretary of Transportation or appropriate federal official of the United States as provided by section 131 of Title 23, United States Code, provided that any such agreement shall be consistent with, and not more restrictive than, the provisions of this subdivision, except that the reclassification of the federal-aid systems from time to time shall not be considered more restrictive than the provisions of this subdivision, and except that the agreement executed by the [commissioner of transportation] former commissioner of public works and highways and the federal highway administrator on June 14, 1963, under the provisions of this subdivision is hereby reaffirmed so that the commissioner of transportation may maintain the control required to receive and to continue to receive bonus payments from the federal government with respect to the control of outdoor advertising on the interstate system. Any expenditures of money by the commissioner in connection with agreements authorized by the section shall be payable from any funds available to the commissioner.

7 Rules. RSA 236:84 is repealed and reenacted to read as follows:

236:84 Rulemaking.

1. The commissioner of transportation may adopt rules under RSA 541-A which are reasonable and consistent with, but not more restrictive than, the provisions of this subdivision relative to:

- (a) Informational and directional signs.
- (b) Applications for sign licenses.
- (c) Applications for sign permits.
- (d) Any other matters required in administering this

subdivision.

11. The reclassification of a highway to or from the interstate, federal-aid primary, or federal-aid secondary system, or the designation of a highway to or from the turnpike system, shall not constitute the adoption of a rule under this section.

8 Permit Fee. Amend RSA 236 by inserting after section 72 the following new section:



236:72-a Business Directional Sign Permit Fee. For any new official business directional signs authorized after the effective date of this section and beginning April 1, 1988, for all official business directional signs authorized by the commissioner to serve privately owned businesses, an annual permit fee of \$10 shall be collected by the commissioner. Permits shall expire on April 1 following the date of issue or renewal and fees shall not be prorated. All fees collected under this section shall be deposited in the highway fund.

9 Authority for Business Directional Signs. Amend RSA 236:73, IV to read as follows:

IV. Directional, informational or official signs:

(a) Within the right-of-way as determined by the commissioner of transportation to be in the specific interest of the traveling public and which conform to national standards as promulgated by the Secretary of Transportation; and

(b) Off the right-of-way as may be permitted under rules [and regulations to be promulgated] adopted by the commissioner of transportation. Such signs may include signs directing the traveling public to privately owned resorts, hotels, restaurants or other commercial establishments catering to the traveling public where the commissioner of transportation determines that such a sign is necessary to the continued operation of such commercial establishment and that traffic safety is best served by providing such a sign to the traveling public thereby avoiding confusion on the part of the motorist. Any such directional sign shall be erected and maintained by the commercial establishment involved under [the] rules [and regulations prescribed] adopted by the commissioner, and which conform to national standards as promulgated by the Secretary of Transportation[.]; or

(c) Within the right-of-way or off the right-of-way of primary or secondary highways and roads of and within the state, but not highways on the interstate system or turnpike system, business directional signs subject to specific approval and issuance of permit by the commissioner of transportation, provided that any such business directional sign shall be erected and maintained by the applicant under rules adopted by the commissioner pursuant to RSA 541-A.

10 New Subparagraphs; Application of Receipts. Amend RSA 6:12, I by inserting after subparagraph (v) the following new subparagraph:

(w) The money received under RSA 230:52, II, which shall be credited to the office of vacation travel, department of resources and economic development.

11 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

The bill provides for the renting of advertising space on and in rest areas and sets aside fees collected for the placement and maintenance of such information services in a special account for the office of vacation travel. The fees are continually appropriated to create and maintain the information services.

The bill further provides for reclassifying highways from time to time in the "interstate system", "federal aid primary system" and the "federal aid secondary system" in accordance with subsection (e) of section 103 of Title 23, United States Code.

The bill, as amended, provides a \$10 annual fee for authorized business directional signs.

Referred to Appropriations.

HB 402, relative to habitual offenders. Ought to Pass.



This bill amends the definition of an habitual offender under the Motor Vehicle Laws. It provides for more flexible penalties for habitual offenders and limits the time for filing appeal of actions of the Director of the Division of Motor Vehicles under RSA 262. Vote 12-0. Rep. Richard L. Haynes for Transportation.

HB 439, relative to child passenger restraints. Ought to Pass. This bill removes the exception to the child passenger restraint requirements when the vehicle is not equipped with seat or safety belts, and was manufactured without such equipment. The Committee felt that this would lead to more protection for the children riding in the vehicle. Vote 11-0. Rep. Irvin H. Gordon for Transportation.

HB 450, relative to the speed limit on state highways. Inexpedient to Legislate.

This bill would establish a 40 mile speed limit on all State highways that are not posted with another speed limit. The Committee felt it advisable to wait until Congress acts on speed limits before the State of New Hampshire starts to change the present limits. Testimony given to the Committee from the Department of Safety was that all highways are now posted according to the density of population and road conditions. Vote 13-0. Rep. Roger Stewart for Transportation.

HB 492, relative to motor vehicle titles and dealer bonds. Ought to Pass with Amendment.

This bill, as amended, establishes requirements for duplicate motor vehicle certificates of origin, applies the anti-theft penalties for certificates of motor vehicle title to motor vehicle certificates of origin, and provides for a right of survivorship for joint motor vehicle owners where the owner is a non-resident. The Committee felt that the present law should be changed to tighten up on present statutes to make it more difficult to overcome the intent of the law. Vote 12-0. Rep. Richard L. Haynes for Transportation.

#### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to motor vehicle certificates of origin,  
joint ownership, and fraud.

Amend the bill by replacing all after section 2 with the following:

3 Certificate of Origin; Anti-Theft Penalties. Amend RSA 262:1, I to read as follows:

1. A person who, with fraudulent intent:

(a) Alters, forges or counterfeits a certificate of title or certificate of origin;

(b) Alters or forges an assignment of a certificate of title or a certificate of origin, or an assignment or release of a security interest, on a certificate of title or a certificate of origin or a form the director prescribes;

(c) Has possession of or uses a certificate of title or certificate of origin knowing it to have been altered, forged or counterfeited; or

(d) Uses a false or fictitious name or address, or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact, in an application for a certificate of title or certificate of origin, or in any proof or statement in writing in connection therewith, shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

## 4 Effective Date.

1. Sections 1 and 3 of this act shall take effect January 1, 1988.

1I. Section 2 of this act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

The bill, as amended, establishes requirements for duplicate motor vehicle certificates of origin, applies the anti-theft penalties for certificates of motor vehicle title to motor vehicle certificates of origin, and provides for a right of survivorship for joint motor vehicle owners where the owner is a non-resident. The non-resident is exempted from payment of the resident tax for the purposes of the vehicle transfer.

The bill is a request of the division of motor vehicles, department of safety.

HB 509, relative to boat maintenance or repair plates. Ought to Pass. At the present time, a number of business repairing boats are using dealer registration plates. This bill provides a boat registration plate to be used by those engaged in the business of maintaining or repairing boats. Vote 12-0. Rep. Richard L. Haynes for Transportation.

HB 513, relative to penalties for motor vehicle habitual offenders. Inexpedient to Legislate.

The Committee took this action because the subject matter covered has already been dealt with in HB 402. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

HB 558-FN, relative to collecting boat permit fees on saltwater boats. Inexpedient to Legislate.

Between the time the hearing was held and the day of the executive session, the sponsor requested that the Committee take this action to dispose of the bill. The sponsor stated that he had learned the subject matter of the bill was already being adequately handled. Vote 11-0. Rep. Irvin H. Gordon for Transportation.

HB 582-FN, providing for regional conferences on highway related problems. Ought to Pass.

This bill requires regional conferences to be conducted biannually by the Department of Transportation and the Department of Safety at the county seat in 8 counties, and at 2 locations in Hillsborough, and Coos Counties. The local police, Public Works Department, and the general public will be invited to participate and make recommendations relative to safety problems on State highways. The Committee feels this will be an effective method for opening lines of communication between the public and the agencies responsible for highway and safety matters. Vote 13-0. Rep. Richard L. Haynes for Transportation.

HB 625-FN, changing the method of valuation for pleasure boats for the boat permit fee. Re-Refer to Committee.

This bill would change the method of valuation for pleasure boats for the boat permit fee. The Committee felt that this bill should have more study as there is now no set way to arrive at its value and the depreciation of a boat. The issue should be resolved, but it will take more time to study than is now available to the Committee. Vote 13-0. Rep. Richard L. Haynes for Transportation.

HB 640-FN, relative to motor vehicle license and registration fees, license plates and boat registrations. Ought to Pass with Amendment.

This bill increases from 5 days to 20 days the term of temporary plates. The fee for such plates will also increase. A few other fees are adjusted upward. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

#### Amendment

Amend the bill by replacing all after section 10 with the following:

11 Duplicate License; Organ Donor Program. Amend RSA 263:41, I1 to read as follows:

II. Upon request in writing from the applicant the director shall, within 60 days, remove such notice from the driver's license and upon payment of the fee specified in RSA 263:42, [V] IV, the director shall issue a duplicate copy without such notice.

12 Effective Date. This act shall take effect July 1, 1987, at 12:01 a.m.

#### AMENDED ANALYSIS

The bill, as amended, increases the period for temporary registration of motor vehicles, increases the fees for in-transit registration, mutilated license plates, and duplicate registration. The bill changes the fees relating to weight limits for truck-tractors and junk licensees and sets fees for wholesalers' plates. The bill also exempts boats owned and operated by municipalities from registration fees, repeals sections on metal motor vehicle identification tags and additional license plates, and changes the fee for issuance of a duplicate license following removal of an anatomical gift notice.

The bill is a request of the division of motor vehicles, department of safety.

HB 641, relative to various motor vehicle laws. Ought to Pass with Amendment.

This bill amends some existing laws by correcting terms, definitions, etc., and adds provisions such as allowing postal vehicles to use flashing lights under certain conditions. It also makes clear certain regulations about driving on divided highways, privileges for handicapped persons and provides improved safety practices for towing vehicles. The Committee spent a great deal of time on this bill and believes changes made will contribute to improved conditions for the driving public. Vote 12-0. Rep. Irvin H. Gordon for Transportation.

#### Amendment

Amend the bill by replacing all after section 15 with the following:

16 Special Plates; Walking Disabilities. Amend RSA 261:88, I and 11 to read as follows:

1. The director shall design and issue, with approval of the commissioner, special number plates and shall make available such plates as an optional number plate to be used on motor vehicles owned by a person with a walking disability or owned by a relative of a person with a walking disability who is a resident of this state and who is dependent on the owner of the motor vehicle as his primary means of transportation. The person with the walking disability or the owner of the motor vehicle shall furnish the director satisfactory proof of the walking disability, of the relationship between the owner and the person with the walking disability and of the dependency of such person on the owner as his primary means of transportation. Upon request and for a fee of \$1 per plate, the director shall exchange such special plates for regular plates

currently issued to a person or the relative of a person who qualifies for special plates. In lieu of special plates, a person or the relative of a person who would qualify for such plates [may] shall upon request receive without charge a decal incorporating the international accessibility symbol. The size of the decal shall be the same size as the registration decal, and shall be placed on the lower [right-hand] left-hand corner of the number plate. The decal shall be valid for as long as the plate to which it is affixed shall be issued to the person or the relative of the person with such disability, provided the disabling condition which necessitated it continues.

11. Upon application the department shall furnish without charge a tag or card to a person with a walking disability who furnishes satisfactory proof of such disability to the director. Persons with temporary walking disabilities shall be issued a card only. This tag or card may be attached to the visor or otherwise of a motor vehicle so that it may be read through the windshield when such motor vehicle is parked. Such tag or card shall be issued in lieu of a decal or special plates if the applicant with a walking disability is not the owner of a motor vehicle or is not a relative of the owner of a motor vehicle who qualifies for special plates under paragraph 1 or does not have a license to drive a motor vehicle. The tag or card shall be of such design as the director shall determine; provided, however, that said design shall incorporate the international accessibility symbol. Such tag or card shall be renewed upon certification by the holder of such tag or card, on a form provided by the director, that the disability which necessitated it continues.

17 Weight Limit Increased. Amend RSA 259:59 to read as follows:

259:59 Motor Truck. "Motor truck" shall mean any truck of greater than [18,000] 26,000 pounds manufacturer's gross vehicle weight rating or any motor vehicle equipped with other than pneumatic tires. The commissioner of safety may adopt rates under RSA 541-A to alter this weight limit to conform with federal statutes or regulations, provided that the limit does not exceed 26,000 pounds.

18 Emergency Lights for Postal Service Vehicles. Amend RSA 266:74 to read as follows:

266:74 Emergency Lights. It shall be unlawful for any motor vehicle equipped with an emergency light to be driven on the ways of the state. This provision shall not apply to vehicles of law enforcement officers, forestry departments, fire departments, volunteer ambulance drivers, volunteer members of fire departments, state, city or town highway or public works departments, public utilities, wreckers, public or private ambulances, private snow removal vehicles, emergency highway service vehicles, postal service vehicles, and such other vehicles as determined by the director. Emergency lights shall not be in operation except during an emergency, and in the case of private snow removal vehicles, while such vehicle is actively in use in snow removal, and, in the case of postal service vehicles, while such vehicle is actively engaged in delivering mail. Blue colored lights shall only be used on law enforcement vehicles. When blue colored lights are installed on a private vehicle belonging to a law enforcement officer, such lights shall be covered when the vehicle is being driven by someone other than a law enforcement officer. The director by rule adopted pursuant to RSA 260:5 shall determine the location, color and method of use of emergency lights.

19 Safety Chains for Wreckers. Amend RSA 266:108 to read as follows:

266:108 Wrecker Safety Chains. Every wrecker shall be equipped with an additional safety chain with minimum requirements of 3/8 inch HY-TEST chain for towed vehicles up to and including [one ton] 11,000 pounds gross vehicle weight, and 1/2 inch HY-TEST chain for towed vehicles over [one ton] 11,000 pounds gross vehicle weight. This safety chain shall be used at all times when the wrecker has a vehicle in tow upon a way, for the purpose of keeping the towed vehicle under control in the event the normal hook-up malfunctions. All wreckers shall operate within the recommended manufacturer's safety policies and procedures.

20 Penalty for Violating Wrecker Laws. Amend RSA 266 by inserting after section 111 the following new section:

266:112 Penalty. Any person who drives a wrecker on the ways of this state in violation of the provisions of RSA 266:108, RSA 266:109, or RSA 266:110 shall be guilty of a violation.

21 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

The bill amends various motor vehicle laws dealing with the reflectorized plate inventory fund, driver's licenses and registrations of minors, special permits for oversized vehicles, license suspensions, flaps and guards, reflectorized warning devices, lights on towed vehicles, breakaway safety chains, stop lights, bumper heights, driving on divided roadways, and special plates for walking disabled persons.

The bill, as amended, increases the weight limit for the definition of motor truck, and allows the commissioner of safety to alter that limit to conform with federal standards.

The bill also allows postal service vehicles to have emergency lights.

The test limit for chains on wreckers is changed to 11,000 pounds gross vehicle weight. A penalty section is also added for violation of the statutory provisions regarding wreckers.

HB 686-FN, relative to farm plates. Ought to Pass.

The Committee feels that trucks under 18,000 pounds in weight should be included to qualify for the use of farm plates. This bill would effectively change the existing statute to allow such trucks to have farm plates. Vote 13-0. Rep. Richard L. Haynes for Transportation.

HB 329-A, relative to estimated tax payments for railroads and public utilities. Ought to Pass with Amendment.

This bill changes the method for making estimated tax payments relative to estimated tax payments for railroads and public utilities. The amendment further clarifies the original bill and excludes the requirements for estimated taxes if the estimated tax is less than \$200. Vote 15-0. Rep. Frederick G. Ahrens for Ways and Means.

#### Amendment

Amend RSA 82:20, II as inserted by section 1 of the bill by replacing it with the following:

11. At the same time payment is made as required by paragraph I, every corporation or company liable for the tax imposed under RSA 82:2 shall, in addition, file a declaration of its estimated tax for the taxable year beginning on April 1 of the following year; provided, however, that if the estimated tax is less than \$200, a declaration need not be filed, and provided further that a declaration shall be filed at the end of any quarter thereafter in which the annualized estimated tax exceeds \$200.

#### AMENDED ANALYSIS

This bill, as amended, changes the method for making estimated tax payments under RSA 82:20. Every corporation and company liable for taxation as a railroad or public utility must file a declaration of its estimated tax for the taxable year beginning on April 1, rather than for its subsequent taxable period unless the estimated tax is less than \$200, in which case a declaration need not be filed. The estimated tax must be



paid in the tax year for which the declaration of estimated taxes is filed, rather than during the subsequent taxable year. Finally, if an additional amount of taxes is due, such additional amount is due and payable within 15 days, rather than at the time final payment of taxes is made.

This bill was requested by the department of revenue administration.

HB 330-FN-A, relative to an exception to the real estate transfer tax. Re-Refer to Committee.

The testimony showed the Committee that this bill is both technical as well as philosophical, and it feels that it deserves further study. Vote 15-0. Rep. Roland A. Sallada for Ways and Means.

HB 346-FN-A, establishing a tax on illegal drugs and relative to criminal drug penalties. Re-Refer to Committee.

The Committee, after conducting the hearing, felt that this bill was more of an enforcement measure than a revenue-raising measure. In addition, the sponsor presented an extensive amendment, which had been delayed in printing. However, since both the Attorney General and the Commissioner of Safety Offices offered qualified support, the Committee felt that this bill could be best served by a careful review and drafting without the current time deadlines. Vote 15-0. Rep. Robert C. Hayes for Ways and Means.

HB 361-FN-A, redefining references to the United States Internal Revenue Code for purposes of the business profits tax. Ought to Pass.

The Committee reviewed this bill and found it to be basic housekeeping needed by the Department of Revenue Administration. It reflects the provisions of the new Federal 1986 Internal Revenue Code, and clearly sets forth to the Department of Revenue Administration the sections that shall be used in the various tax years. Vote 15-0. Rep. Richard F. Ahern for Ways and Means.

HB 369-FN-A, relative to the rate of the business profits tax. Re-Refer to Committee.

This bill is very similar to HB 252 in the Regular Calendar, to which you should refer for further information. Vote 17-0. Rep. Frederick G. Ahrens for Ways and Means.

HB 627-FN, to provide a loss carry forward under the business profits tax. Re-Refer to Committee.

The Committee found that the provisions of the Internal Revenue Code and the New Hampshire Revised Statutes as they affect the Business Profits Tax do not clearly coincide with respect to net operating loss carryovers. In addition, there are possible administrative and constitutional problems. The issue needs more work. Vote 16-1. Rep. Richard F. Ahern for Ways and Means.

HB 628-FN, providing tax incentives for New Hampshire business organizations. Re-Refer to Committee.

This bill has an intriguing concept to encourage new businesses to retain cash for long term growth through a reduction in the Business Profits Tax. There were too many unanswered questions for the Committee to make a decision. Vote 15-0. Rep. Walter A. Stiles for Ways and Means.

HB 669-FN, reducing the rate of the business profits tax. Re-Refer to Committee.

This bill is very similar to HB 252 in the Regular Calendar, to which you should refer for further information. Vote 16-1. Rep. Frederick G. Ahrens for Ways and Means.

COMMITTEE REPORTS  
(Regular Calendar)

HB 424, relative to the fixing of public utility rates by the public utilities commission. Majority: Inexpedient to Legislate. Minority: Re-Refer to Committee.

MAJORITY: Fair market value is not a valid determiner in rate-setting for a utility. Intended to protect the consumer, it could well work to his detriment. No provision is in the bill for an agency to determine fair market value nor a time frame within which to make the determination. A utility could foreseeably take advantage of fluctuations in the fair market value. Vote 10-7. Rep. Eric N. Lindblade for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: The minority feels that the testimony received from utilities in opposition to this bill was not based on the wording of the bill. Re-referral will allow the Committee to clarify the wording and to consult with the Science, Technology and Energy Committee where similar bills have been considered. Reps. G. Philip Rodgers, Leo C. Provencal, Dolores R. Price, Michael H. Carpenito, Sara M. Townsend and Raymond C. Buckley, 11 for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Packard moved that the report of the Minority, Re-Refer to the Committee on Commerce, Small Business and Consumer Affairs, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Rep. Christy spoke in favor of the motion.  
Motion adopted.

HB 494, relative to the rights of tenants to receive cable television. Re-Refer to Committee.

This bill requires more study; it has some merit as it makes cable TV available to everyone. Vote 15-3. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

Report adopted.

HB 532, allowing real estate brokers to establish interest-bearing trust accounts. Ought to Pass with Amendment.

This bill authorizes real estate firms and brokers to create interest-bearing trust accounts which can be distributed to one nonprofit organization or to assist low and moderate income housing administered by the New Hampshire Housing Finance Authority. Vote 14-4. Rep. A. Leslie Burns for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

allowing real estate firms or brokers to establish  
interest-bearing trust accounts.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section. Amend RSA 331-A by inserting after section 3 the following new section:

331-A:3-a Interest-Bearing Trust Accounts. Notwithstanding any law or rule to the contrary, a firm or broker may elect to create or maintain an interest-bearing trust account for transaction deposit moneys which are to be held for a short period of time. Each account shall comply with the following requirements:

1. An interest-bearing trust account may be established with any bank or savings and loan association authorized by federal or state law to do business in New Hampshire and insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. Funds in each interest-bearing trust account shall be subject to withdrawal upon demand.

11. The rate of interest payable on any interest-bearing trust account shall be the same rate of interest paid by the depository institution for all other holders of similar accounts. Interest rates higher than those offered by the institution on regular checking or savings accounts may be obtained by a firm or broker on some or all of deposited funds so long as there is no impairment of the right to withdraw or transfer principal immediately.

111. Firms or brokers electing to establish a trust account under this section shall direct the depository institution:

(a) To distribute interest or dividends, as the case may be, at least quarterly, to one nonprofit organization of the depositing firm's or broker's choice or to a fund to be established and administered by the New Hampshire housing finance authority to be used for low income housing purposes. The term "nonprofit organization" means any organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954, as amended. The Internal Revenue Service tax identification number used for the trust account shall be that of the beneficiary organization.

(b) To transmit to the depositing firm or broker at the same time a report showing either the name of the nonprofit organization and the amount paid to such organization or the amount paid to the fund established by the New Hampshire housing finance authority.

2 Housing Finance Authority; Rulemaking Added. Amend RSA 204-C:9 by inserting after paragraph XII the following new paragraph:

XII-a. The establishment and administration of a fund to be used for low income housing purposes into which the authority shall deposit interest received from trust accounts pursuant to RSA 331-A:3-a.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill, as amended, authorizes real estate firms or brokers to create interest-bearing trust accounts for transaction deposit moneys. Interest from such accounts shall be distributed to nonprofit organizations or to a fund to be established and administered by the New Hampshire housing finance authority and to be used for low income housing purposes.

Amendment adopted.

Ordered to third reading.

HB 614-FN, relative to insurers' reporting requirements and a consumer advocate. Majority: Inexpedient to Legislate. Minority: Re-Refer to Committee.

MAJORITY: The Majority was not in favor as the bill is unnecessary. All testimony from the Insurance Department indicated that no request for information was ever refused and the Department more than adequately protects the interest of the insurance buying public. Vote 11-6. Rep. G. Philip Rodgers for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: The minority agrees with the Judiciary Committee Chairman and Tort Law and Insurance Availability Chairman, Alf Jacobson, that the Commissioner of Insurance needs additional input from the insurance industry in order to determine "fair and equitable insurance rates." Reps. A. Leslie Burns, Dolores R. Price, Leo A. Provencal, Bonnie B. Packard, Raymond C. Buckley, II and Michael H. Carpenito for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Fraser moved that the report of the Minority, Re-Refer to the Committee on Commerce, Small Business and Consumer Affairs, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Motion adopted.

HB 689-FN, relative to insurance rate increases for traffic violations. Inexpedient to Legislate.

All testimony was in opposition to this bill. To remove violations such as DWI, speeding, etc., from being surcharged would create more problems that it would solve. Vote 10-2. Rep. Lucille T. Wood for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 723-FN, relative to licensing nondepository first mortgage bankers and brokers. Ought to Pass with Amendment.

This bill enacts a new chapter licensing nondepository first mortgage bankers and brokers. It also provides rulemaking authority for the Banking Commissioner to implement the procedure. The amendment addresses second mortgage home loans by strengthening the existing chapter. Vote 16-3. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to licensing nondepository first mortgage bankers and brokers and relative to second mortgage home loans.

Amend the bill by replacing section 2 with the following:

2 Reference Change. Amend the chapter heading of RSA 398-A to read as follows:

#### SECOND MORTGAGE HOME LOANS

3 Reference Change. Amend RSA 398-A:1, V to read as follows:

V. "Second mortgage loan" means a loan which is secured in whole or in part by a mortgage upon any interest in real property used as a dwelling with accommodations for not more than 4 families, which property is subject to the lien of one or more prior mortgages.

4 Reference Change. Amend RSA 398-A:1-a, 1 to read as follows:

1. No person shall engage in the business of second mortgage loans unless he or his broker, agent or other representative first obtains a license as provided herein, except when the person lending money is the seller of the real estate upon which the second mortgage is to be taken as security. A person shall not be deemed to be in the business of second mortgage home loans if he makes not more than 4 second mortgage loans in a calendar year.

5 Reference Change. Amend RSA 398-A:1-e to read as follows:

398-A:1-e Report. Beginning on February 1, 1986, each licensee shall file with the commissioner on or before February 1 of each year a report under oath concerning the business and operations for the preceding year ending December 31 in the form prescribed by the commissioner, which shall show the annual volume and outstanding amounts of second mortgage loans, the classification of such loans made by size and by security, and the gross income from, and expenses properly chargeable to, such loans. Whenever a licensee operated 2 or more licensed offices or whenever 2 or more affiliated licensees operate licensed offices, then a composite report of such group of licensed offices may be filed in lieu of individual reports. The commissioner shall publish an analysis of the information required under this section as a part of his annual report. Any licensee failing to file the report required by this section within the time prescribed shall pay to the commissioner the sum of \$25 for each day said report is overdue. If a licensee elects to file a composite report and such composite report is not filed on or before February 1 as required in this section, the penalty prescribed in this section shall apply separately for each license held.

6 Reference Change. Amend RSA 398-A:2, 1 to read as follows:

1. The allowable rate of interest computed on the unpaid balance that any person may directly or indirectly charge, take or receive for a second mortgage loan secured by property which is occupied in whole or in part at the time said loan is made as a home by any obligor on the mortgage debt or by any person granting or releasing any interest under said mortgage shall be the rate agreed upon in the note between borrower and lender, and following the sixth month of any period in which a loan has been in continuous default not more than 1-1/2 percent per month on any unpaid balances.

7 Reference Change. Amend RSA 398-A:3 to read as follows:

398-A:3 Effect of Failure to Specify Interest Rate. If any note secured by a second mortgage, in the case of loans other than open-end loans, does not among its provisions clearly indicate the principal sums, the rate of interest, the period of the loan and the periodic due dates, if any, of principal and interest or, in the case of open-end loans, if the note does not among its provisions clearly indicate the maximum amount of credit available, the rate of interest, the selected payment, or its manner of determination, and the related period or periods of repayment and the monthly or periodic due dates, then the lender shall have no right to collect interest.

8 Reference Change. Amend RSA 398-A:11 to read as follows:

398-A:11 Commissioner Their Attorney. Any out-of-state second mortgage broker or agent shall be deemed to have appointed the bank commissioner or his successor in office, his true and lawful attorney upon whom may be served all lawful process in any action or proceeding against him growing out of the provisions of this chapter. Any process against such person so served shall be of the same legal force and validity as if served on him personally.

9 Reference Change. Amend the introductory paragraph of RSA 398-A:13 to read as follows:

398-A:13 Rulemaking Authority. The bank commissioner shall adopt rules, pursuant to RSA 541-A, governing institutions which make second mortgage loans within the state of New Hampshire relative to the following:

10 Effective Date. This act shall take effect January 1, 1988.

#### AMENDED ANALYSIS

This bill enacts a new chapter licensing nondepository first mortgage bankers and brokers. Under this bill any person or entity which funds, negotiates, arranges or originates first mortgage loans shall obtain a



license from the bank commissioner. This bill grants the bank commissioner rulemaking authority to implement this licensing procedure.

The bill as amended makes RSA 398-A applicable to second mortgage home loans.

Amendment adopted.

Ordered to third reading.

HD 112-FN, relative to sunset review of the board of chiropractic examiners. Ought to Pass with Amendment.

CCE and SCASA, National vs. Regional, two-tiered licensing; subluxations and adjustments, analysis vs. diagnosis; these are only some of the issues which produced mixed feelings in the Board of Chiropractics' Sunset Review. In an attempt to straighten some of the points presented, the Committee attempted to reach a compromise to accommodate both philosophies of practice and to assure that neither the public nor the Chiropractors were manipulated. Vote 16-0. Rep. Theodore J. Cusson, Sr. for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Termination. The board of chiropractic examiners, PAU 020604 (formerly PAU 020607), shall terminate on November 1, 1988, unless the general court takes action prior to that date to reauthorize the board. If the board is not reauthorized by legislative action prior to November 1, 1988, responsibility for regulation of the practice of chiropractic shall be transferred to the director of the division of public health services, department of health and human services. All references to the board of chiropractic examiners in RSA 316 shall be interpreted to refer to the director of the division of public health services. The termination provisions of this section shall operate independently of the requirements of RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 Statement of Purpose. Amend RSA 316 by inserting after section 1 the following new section:

316:1-a Statement of Purpose.

I. The general court finds that the best interests of the public are served by providing the administration of various health-related professional licensure, certification, and registration activities within a single state agency. This consolidation will provide the general public with a central accessible point for information relative to procedures for licensure, certification, and registration, for information relating to the practices of the boards overseeing the health-related professions and occupations, for information on the practices of health-related professions and occupations, and for the lodging of concerns and complaints related to the practices of the boards and the health-related professions and occupations. The general court also finds that such consolidation will provide the boards and other individuals responsible for the regulation of health-related professions and occupations with efficient and cost effective support by streamlining and standardizing procedures and accounting practices through the appropriate use of computer technology in record keeping activities, and by relieving them of the need to supervise or carry out secretarial and clerical activities.

II. The general court, to implement these findings, vests responsibility for providing consolidated administrative support of licensure, certification, and registration activities of health-related professions and occupations with the division of public health services, department of health and human services.

11I. Therefore, the general court hereby places the board of chiropractic examiners under the authority of the division of public health services, department of health and human services.

4 Board Members. Amend RSA 316:2, I, II, and III to read as follows:

I. There shall be a board of chiropractic examiners consisting of [5] 7 members; including 4 chiropractors and [one] 3 public [member] members, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member of the board shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

II. Board members who are chiropractors shall be graduates of [some] a resident school or college of chiropractic and shall have resided and practiced in this state for at least one year. No such member shall be a physician.

III. The public [member] members of the board shall be [a person] persons who [is] are not, and never [was] were, [a member] members of the chiropractic profession or the spouse of any such person, and who [does] do not have, and never [has] have had, a material financial interest in either the provision of chiropractic services or an activity directly related to chiropractic, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

5 Rulemaking. RSA 316:2-a is repealed and reenacted to read as follows:

316:2-a Rulemaking Authority and Practices. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. Minimum education and experience requirements for licensure to protect the public health or safety. Such requirements shall not include references to general business skills.

II. Written competency examinations, if appropriate. Such examinations shall be nationally recognized standardized tests whenever possible.

III. A written examination on New Hampshire law relevant to the occupation or profession. Such examinations shall be reviewed by the department of justice before use.

IV. Procedures for oral examinations and interviews, if appropriate. Such rules shall include a listing of permissible areas of inquiry and a statement of the means by which the inquiry shall be recorded. Transcripts or recordings shall be maintained by the board or commission for a period of not less than 90 days.

V. Procedures for practical examinations, if appropriate. Such rules shall provide that at least 2 experienced practitioners shall observe and pass on any practical examination.

VI. References from other practitioners of the occupation or profession, if appropriate. References may only be solicited from practitioners who have actual knowledge of the applicant's competence gained in a supervisory capacity.

VII. Requirements that applicants be of good character. Such character requirements shall be limited to matters directly related to the ability of the applicant to perform the functions of the occupation or profession.

VIII. Methods and procedures by which licensees shall inform the public of their right to complain to the board regarding the conduct of other licensees. Such methods may include posted notices, notices on bills, or other appropriate methods.

IX. Methods for informing the board of complaints made against licensees in other forums such as professional and business organizations and the courts. Such methods shall include a requirement that licensees disclose such complaints on license renewal forms. Failure to disclose shall be cause to revoke the license.

X. Methods for investigating complaints and for conciliation where appropriate.

XI. Hearing procedures in accordance with RSA 541-A.

XII. Methods for informing the public of the results of disciplinary actions. These methods shall ensure that information on disciplinary actions is made available to consumers.

XIII. The type and severity of offense which warrants an official warning and the effect of such warning on penalties for subsequent offenses.

XIV. Methods to ensure that licensees maintain minimum competency to protect public health or safety. Such methods may include continuing education, re-testing, peer review, or other appropriate procedures. If continuing education is required, it shall be reasonable and shall reflect the rate of legal and technological change within the occupation or profession. Courses on general business practices shall not be required or permitted as continuing education.

XV. Methods for ensuring compliance with continuing education requirements and for evaluating continuing education courses, if appropriate.

XVI. An ethics code for board members and employees. This code shall include at least the following provisions:

(a) No board member shall participate in any action related to the issuance of a license or disciplinary matter involving himself or a person with whom he is personally or professionally associated.

(b) No board member shall serve as an officer of a professional association which represents practitioners of any occupation or profession under the jurisdiction of the board.

6 New Section; Power of Director of Division of Public Health Services. Amend RSA 316 by inserting after section 2-a the following new section:

316:2-b Powers and Duties of Director. The director of the division of public health services, department of health and human services, shall:

1. Monitor the rulemaking activity of the board under RSA 316:2-a to ensure that all rules adopted are:

(a) Consistent with the provisions of RSA 541-A;

(b) Consistent with the specific statutory authority under which they are adopted;

(c) Consistent with other statutes; and

(d) Consistent with rules adopted by the division of public health services or any other board, commission, or agency.

II. If the director determines that a rule proposed for adoption is not consistent with the criteria established in paragraph I of this section, he shall notify the board in writing. If the board does not take corrective action he shall notify in writing the joint committee on administrative rules and the senate executive departments committee and house executive departments and administration committee for further corrective oversight action.

7 Report. Amend RSA 316:8 to read as follows:

316:8 Report. The secretary-treasurer shall file with the governor and council biennially and in such form as the governor and council may prescribe, such information as is necessary to maintain in the division of public health services, department of health and human services a current record of rules [and regulations] of the board of chiropractic examiners affecting the issuance of licenses.

8 Reference Change. Amend RSA 316:14-a to read as follows:

316:14-a National Examination. Any person who has passed parts 1 and 2 of the national examination given by the National Board of Chiropractic Examiners shall be exempt from taking a written examination and, provided he meets [all] other qualifications and requirements of this chapter, shall be registered and granted a license by the state board upon payment of the required fee and presentation of satisfactory proof that he has passed said parts of such national examination.

9 Competency Test. Amend RSA 316:17-a to read as follows:

316:17-a Inactive List. A chiropractor licensed under this chapter, and who is a resident of this state, who does not intend to engage in the practice of his profession, upon written request to the board may have his name transferred to an inactive list and shall not be required to register biennially or pay any registration fee as long as he remains inactive. Any chiropractor whose name has been included in the inactive list as herein provided shall be restored to active status by the board upon the filing of a written request with said board, accompanied by the required registration fee for renewal and after satisfactorily passing a competency test to be administered by the board.

10 Repeal. RSA 316:9, 1 and 11, relative to evidence of a high school education and 18 years of age are repealed.

11 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews the board of chiropractic examiners until November 1, 1988, at which time it will be terminated if the general court does not take legislative action prior to that date.

The bill also places the board of chiropractic examiners under the jurisdiction of the director, division of public health services, department of health and human services.

Amendment adopted.

Ordered to third reading.

HB 156-FN, relative to sunset review of the nurses registration board. Ought to Pass with Amendment.

This bill renews the Board of Nursing registration and education for six years. The bill, as amended, transfers the Board to the Division of Public Health Services, Department of Health and Human Services. Vote 15-0. Rep. Ann M. Torr for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Sunset; the Nurses Registration Board Renewed and Transferred. The nurses registration board, PAU 060306 (formerly PAU 060305), is hereby renewed to comply with RSA 17-G, and is transferred to the division of health services, department of health and human services. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 Reference Change. Amend the introductory paragraph of RSA 326-B:4 to read as follows:

The board shall function under the [commissioner of education] director, division of public health services, department of health and human services, who shall supervise the business administration and the reporting of the board. The board is authorized to:

4 Reference Addition. Amend the introductory paragraph of RSA 326-B:4-a to read as follows:

The board shall adopt rules, after receiving assurance from the director of public health services that the proposed rules conform to RSA 326-B and are not in conflict with other statute, pursuant to RSA 541-A, relative to:

5 Administration. RSA 326-B:5 is repealed and reenacted to read as follows:

## 326-B:5 Administration.

1. The director of public health services, department of health and human services, shall hire, subject to board approval, the executive director, a nurse qualified to administer the provisions of this chapter. The executive director shall hire and supervise the staff necessary to carry out the administrative services associated with the board. The executive director shall be responsible to the director of public health services.

1J. The director, division of public health services, shall be responsible to the board for providing administrative services, financial management, budget preparations, and property management.

11I. The board shall provide guidance and advice to the director of the division of public health services relative to necessary and appropriate administrative services.

6 Expenses. Amend RSA 326-B:11 to read as follows:

326-B:11 Fees Payable. Fees shall be made payable to the treasurer, state of New Hampshire, and be deposited in the general fund. The board shall recover at least 125 percent of its direct expenses through license fees.

7 Transfer. All classified personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions, and other property or obligations of any kind associated with the operations of the nurses registration board are hereby transferred to the division of public health services, department of health and human services.

8 Repeal. RSA 326-B:4, I, relative to an executive director is repealed.

9 Effective Date. This act shall take effect July 1, 1987.

## AMENDED ANALYSIS

This bill renews the nurses registration board for 6 years.

The bill, as amended, transfers the nurses registration board to the division of public health services, department of health and human services. Currently the board functions under the commissioner of education.

Amendment adopted.

Ordered to third reading.

HB 429, allowing the commissioner of corrections to delegate authority in his absence to the assistant commissioner. Re-Refer to Committee.

The Committee felt that this bill needed more work before it could pass it and that re-referral for study and solving the problem in a more deliberative manner than would have been possible under the House imposed deadlines. Vote 14-0. Rep. Wayne D. King for Executive Departments and Administration.

Report adopted.

HB 526-FN, establishing a department of safety. Ought to Pass.

The Committee felt that the Department of Safety essentially already exists and this bill would institutionalize it under the aegis of reorganization. Vote 13-1. Rep. Wayne D. King for Executive Departments and Administration.

Ordered to third reading.

HB 570-FN, establishing a department of natural resources. Ought to Pass with Amendment.

A Department of Natural Resources is the surest way to guarantee the integrated functioning of those different entities within State



government which works to protect our precious natural resources. This bill is structured to provide maximum citizen input, minimum difficulty for citizens seeking solutions to problems and answers to questions, and the closest scrutiny of our natural resources. Vote 13-2. Rep. Wayne D. King for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter. Amend RSA by inserting after chapter 21-0 the following new chapter:

#### CHAPTER 21-P DEPARTMENT OF NATURAL RESOURCES

##### 21-P:1 Statement of Policy.

1. The general court recognizes its responsibility to provide for the stewardship of our natural resources. The general court, being aware of the seamless connections which bind the environment, is also aware of the responsibilities of the current separate and independent agencies charged with safeguarding and managing the land, forest, wildlife, and agricultural resources of the state. It is the opinion of the general court that better cooperation and coordination will occur by consolidating these agencies into a single operating unit.

11. The general court intends by establishing the department of natural resources to provide for a single agency which will enhance the quality of life for the citizens of New Hampshire, in both an economic and an intangible sense, through planning, management, conservation, and proactive and reactive protection measures. The general court intends that these measures be designed so as to reasonably balance the need to preserve our natural resources with the aspirations of our citizens for growth and prosperity.

##### 21-P:2 Establishment; General Functions.

1. There is established the department of natural resources, an agency of the state, under the executive direction of a commissioner of natural resources.

11. The department of natural resources, through its officials, shall be responsible for the following general functions:

(a) Conservation, management, and orderly development of the water, forest, agricultural, fish, wildlife, and other natural resources of the state, protection and propagation of fish and wildlife, and the administration and supervision of state lands.

(b) Education of the public on the appreciation and appropriate use of the natural resources of the state, and the consequences of the misuse and destruction of those resources.

##### 21-P:3 Commissioner; Assistant Commissioner; Division Directors; Compensation.

1. The commissioner of the department of natural resources shall be appointed by the governor, with the consent of the council. The commissioner shall serve for a term of 4 years and may succeed himself if reappointed. The commissioner shall be qualified to hold that position by reason of education and experience.

11. The commissioner of natural resources shall nominate an assistant commissioner for appointment by the governor, with the consent of the council, who shall serve for a term of 4 years. The assistant commissioner shall have a minimum of a bachelor's degree and 8 years of experience in a natural resources field. The assistant commissioner shall have overall responsibility for all planning functions of the department

and shall perform such other duties as the commissioner may assign. The assistant commissioner shall perform the duties of the commissioner if for any reason the commissioner is unable to do so.

III. Division directors shall be appointed to terms of 4 years.

(a) The fish and game council shall submit a slate of 3 qualified candidates to the commissioner, who shall nominate for appointment by governor and council a director of the division of fish and game. The director of the division of fish and game shall have a minimum of a bachelor's degree, a minimum of 8 years of professional experience in the fields of fisheries, wildlife biology, game management, or similar activities, and appropriate, demonstrated administrative experience.

(b) The forest and lands council shall submit a slate of 3 qualified candidates to the commissioner, who shall nominate for appointment by governor and council a director of the division of forests and lands. The director of the division of forests and lands shall have a minimum of a bachelor's degree, a minimum of 8 years of professional experience in forestry, forest management, or similar areas of public or private silviculture, and appropriate, demonstrated administrative experience.

(c) The parks and recreation council shall submit a slate of 3 qualified candidates to the commissioner, who shall nominate for appointment by the governor and council a director of the division of parks and recreation. The director of the division of parks and recreation shall have a minimum of a bachelor's degree, a minimum of 8 years of professional experience in public recreation or park management or both, and appropriate, demonstrated administrative experience.

(d) The commissioner shall nominate for appointment by the governor and council a director of enforcement, who shall be a peace officer certified under RSA 188-F:26. The director of enforcement shall have authority over all enforcement personnel of the divisions of fish and game, forests and lands, and parks and recreation, except park personnel.

IV. The salaries of the commissioner, the assistant commissioner, and the division directors shall be as specified in RSA 94:1-a.

21-P:4 Duties of Commissioner. In addition to the powers and duties and functions otherwise vested by law in the commissioner of the department of natural resources, including those set forth in RSA 21-G, the commissioner shall:

1. Represent the public interest in the administration of the department of natural resources and be responsible to the governor, the general court, and the public for such administration.

II. Require the administrative services unit in his office, in consultation with the director, division of accounting services, and the state treasurer, to provide for a system of accounts and reports which will insure the integrity and lawful use of all revenues collected by the department the use of which is restricted by state or federal law.

111. Adopt rules, under RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law and approve all rules proposed by the directors of the various divisions of the department under the provisions of this chapter.

IV. Collect and account for all fees, funds, or assessments levied upon any person, as defined by RSA 21:9, subject to the jurisdiction of the department of natural resources or any of its divisions, and receive, account for, and disburse all federal funds obtained by the department of natural resources.

V. Assure that all dedicated revenues of any division or program of the department shall be used only by that division or for the program or purposes for which the revenues have been collected.

VI. Be responsible for coordination and cooperation among the various divisions of the department to assure the sharing of personnel and

resources to the greatest extent possible; the best, most current, and most complete information to the public; and the most comprehensive protection and appropriate use of our natural resources.

VII. The commissioner of the department of natural resources, the assistant commissioner, and each of the division directors shall have authority as peace officers as provided in RSA 594 and may confer this authority upon appropriate employees of the department. These police powers shall be limited to the enforcement of state laws and rules of the department on lands or property owned by, leased to, or otherwise under the control of the department. Nothing in this paragraph shall limit the police powers of the department as provided for in RSA 224:26, RSA 215-A, or any other statute.

VIII. Provide all necessary clerical and technical support requested by any council established by this chapter. At a minimum, the commissioner shall:

(a) Provide all necessary clerical and support personnel and services in order to:

(1) Prepare notices and other documents required under RSA 541-A as directed by the particular council and distribute such notices and documents upon the approval of the particular council involved;

(2) Schedule the conduct of all council administrative appeal proceedings, with the approval of the particular council so as to ensure timely and efficient conduct of such proceedings;

(3) Prepare and maintain the record, required by RSA 541-A, of all adjudicative proceedings conducted by councils;

(b) Provide comfortable and adequate space for the use of all councils in performing their official duties; and

(c) Prepare, maintain as a public record, and continuously update a document which shall summarize the findings and decisions of all councils supported by the department.

IX. Oversee the operations of the director of enforcement, who shall be directly responsible to the commissioner. The commissioner shall hear and decide all appeals from decisions or actions of the director of enforcement. Appeals from a decision of the commissioner shall be in accordance with RSA 541.

21-P:5 Natural Resources Advisory Committee. There is established a natural resources advisory committee which shall assist the commissioner of natural resources in establishing the natural resources policies of the state. The committee shall consist of the following:

I. The commissioner of natural resources, or his designee.

II. The commissioner of agriculture, or his designee.

III. The director of fish and game.

IV. The director of forests and lands.

V. The director of parks and recreation.

VI. The director of enforcement, department of natural resources.

The committee shall meet at least once every 3 months.

21-P:6 Division of Fish and Game. There is established within the department the division of fish and game, under the supervision of an unclassified director of fish and game who shall be responsible for the following functions, in accordance with applicable law:

I. Controlling, managing, restoring, protecting, conserving, and regulating the fish and other wildlife resources of the state.

II. Administering and enforcing the environmental, wildlife, off-highway recreational vehicle, and related laws of the state, as provided by RSA 206:26, XI, and RSA 215-A, in cooperation with all divisions of the department.

III. Collecting and recording data on matters relevant to the functional responsibilities of the division and providing such data to the administrative services unit in the office of the commissioner for inclusion in the department data base.

IV. In performing the functions assigned by this section, the director of fish and game shall administer state responsibilities under RSA title XVIII, relative to fish and wildlife.

V. Cooperating with the director of the division of parks and recreation and the director of the division of forests and lands in the use of state forests, parks, and reservations for public recreational purposes.

21-P:7 Fish and Game Council.

I. There is established the fish and game council.

11. The fish and game council shall include 11 members, appointed by the governor and council, with the following qualifications:

(a) Each member of the council shall be a resident of a different county in the state, except that one council member shall be a resident of one of the coastal towns of Portsmouth, Seabrook, Rye, Hampton, Hampton Falls, North Hampton, or New Castle.

(b) Each member shall also be qualified in the following manner:

(1) Well informed on the subject of fish and wildlife conservation and restoration.

(2) Dedicated to the conservation and protection of the state's fish and wildlife resources and of an environment conducive to the welfare of the same.

(3) Committed to a fish and wildlife program providing reasonable balance between research, habitat management, and law enforcement.

(4) An active outdoorsman holding a resident fishing or hunting license in at least 5 of the 10 years preceding his appointment.

(5) A personal record free of convictions for violation of fish and game laws and rules of this state or any other jurisdiction within 5 years preceding his appointment.

(6) In addition, each member shall have at least 5 years' experience in one or a combination of the following fields:

(A) Forestry.

(B) Agriculture.

(C) Management of wild lands.

(D) Soil conservation.

(E) Conservation of water resources.

(F) Fish and game management or propagation.

(G) Conservation engineering.

(H) Conservation law.

(I) Wildlife education.

(J) Active membership in a conservation or sportsmen's organization in this state.

(7) In the case of the coastal commission member, a general knowledge of all crustaceans and bivalves in coastal waters and salt water fishing in general.

111. Each member shall serve for a term of 4 years. Of the initial members of the council, 4 shall serve a term of 2 years, 4 shall serve a term of 3 years, and 3 shall serve a term of 4 years. A vacancy for an unexpired term shall be filled in the same manner as the original appointment. Council members shall receive no compensation except for mileage and other expenses incurred while performing council business. Mileage shall be paid at the rate set for state employees.

IV. The council shall consult with and advise the director of the division of fish and game with respect to the policy, programs, and operations of the division, with particular emphasis on long-range planning for the division and on education of the public relative to the functions of the division. In order to accomplish said purposes, the council shall meet with the director not less frequently than quarterly, or at the call of the chairman or 3 council members. The council shall



elect annually its own chairman and vice-chairman and the director shall furnish it with such clerical and other assistance as it may require. The council shall file annually a report of its deliberations and recommendations with the commissioner of the department of natural resources and the governor and council.

V. The fish and game council shall hear and decide all appeals from department decisions relative to the functions and responsibilities of the division of fish and game in accordance with RSA 21-P:14.

VI. The director of fish and game shall present all proposed rules regarding fish and wildlife to the fish and game council for consideration prior to filing a proposed rule under RSA 541-A:3-a. The council shall present any objections to proposed rules to the director of fish and game in writing within 15 days. The director of fish and game shall not adopt any rule which has not been approved by a majority vote of all the members of the council.

21-P:8 Division of Forests and Lands. There is established within the department the division of forests and lands, under the supervision of an unclassified director of forests and lands, who shall also be known as the state forester, and who shall be responsible for the following functions, in accordance with applicable laws:

I. Controlling, managing, and preserving forest lands owned or controlled by the state and such other lands as may be assigned to the division.

II. Holding, developing, maintaining, and administering the Appalachian Trail, in accordance with the provisions of RSA 216-D.

III. Cooperating with the director of the division of parks and recreation and the director of the division of fish and game in the use of state forests, parks, and reservations for public recreational purposes.

IV. The overall prevention and control of forest and brush fires throughout the state, except within the boundaries of the White Mountain National Forest, in accordance with the provisions of RSA 224.

V. The protection of forests from forest pests in order to reduce and prevent loss of timber resources, enhancing the growth and maintenance of forests, conserving forest cover on watersheds, and promoting stability of forest-using industries.

VI. Carrying out the provisions of RSA 220.

VII. Collecting and recording data on matters relevant to the functional responsibilities of the division and providing such data to the administrative services unit in the office of the commissioner for inclusion in the department data base.

VIII. Carrying out such other duties relating to forests and lands as may be delegated by the commissioner of the department of natural resources lying within the jurisdiction of the department.

IX. Encouraging and assisting private forestry efforts and forest conservation.

21-P:9 Forests and Lands Council.

I. There is established the forests and lands council.

11. The forests and lands council shall include 11 members, appointed by the governor and council, with the following qualifications:

(a) Each of 5 members of the council shall be a resident of one of the 5 executive council districts of the state, each member from a different district.

(b) At least 6 members of the council shall be persons who are or have been actively engaged in some phase of silviculture. At least 2 members of the council shall be representative of conservation interests. At least 2 members of the council shall be representative of forest user interests. One member of the council shall be a member of the general public.

(c) Each member of the council shall have a history of demonstrated interest in the maintenance, protection, and rehabilitation of forest lands, soils, and cover, the total environment including the



water supply, and in the beneficial use of those resources for the purposes of promoting healthful surroundings, recreational opportunities, scenic values, and of improving conditions for water and wildlife.

III. Each member shall serve for a term of 4 years. Of the initial members of the council, 4 members shall serve a term of 2 years, 4 members shall serve a term of 3 years, and 3 members shall serve a term of 4 years. Vacancies on the council shall be filled in the same manner as original appointments for the unexpired term. Council members shall receive no compensation except for mileage and other expenses incurred while performing council business. Mileage shall be paid at the rate set for state employees.

IV. The council shall consult with and advise the director of the division of forests and lands with respect to the policy, programs, and operations of the division, with particular emphasis on long-range planning for the division and on education of the public relative to the functions of the division on a continuing basis. In order to accomplish said purposes, the council shall meet with the director not less frequently than quarterly, or at the call of the chairman or 3 council members. The council shall elect annually its own chairman and vice-chairman and the director shall furnish it with such clerical and other assistance as it may require. The council shall file annually a report of its deliberations and recommendations with the commissioner of the department of natural resources and the governor and council.

V. The forests and lands council shall hear and decide all appeals from department decisions relative to the functions and responsibilities of the division of forests and lands in accordance with RSA 21-P:14.

VI. The director of forests and lands shall present all proposed rules regarding forests and lands to the forests and lands council for consideration prior to filing a proposed rule under RSA 541-A:3-a. The council shall present any objections to proposed rules to the director of forests and lands in writing within 15 days. The director of forests and lands may adopt a rule to which the council has objected only after presenting a written reply to the council detailing his reasons for adopting the rule over the objections of the council.

21-P:10 Division of Parks and Recreation. There is established within the department the division of parks and recreation, under the supervision of an unclassified director of parks and recreation who shall be responsible for the following functions, in accordance with applicable laws:

1. Executing all matters pertaining to the design, development, administration, operation, and maintenance of recreational facilities and services for public use on all state public areas of recreational significance such as state parks, forests, reservations, and historic sites.

11. Cooperating with the director of the divisions of forests and lands and fish and game on matters pertaining to the joint recreational and forestry use of state lands, with other state and federal agencies in the development of wayside picnic areas, in the promotion of hunting and fishing on public recreational areas, and in the promotion of better understanding of the recreational advantages of the state.

111. Working with local communities in establishing programs relative to park use and recreation.

- IV. Collecting and recording data on matters relevant to the functional responsibilities of the division and providing such data to the administrative services unit in the office of the commissioner for inclusion in the department data base.

21-P:11 Parks and Recreation Council.

- I. There is established the parks and recreation council.

11. The parks and recreation council shall include 11 members, appointed by the governor and council, with the following qualifications:

(a) Each of 5 members of the council shall be a resident of one of the 5 executive council districts of the state, each member from a different district.

(b) At least 6 members of the council shall have an educational and vocational background in some phase of outdoor recreation. At least 2 members of the council shall be representative of environmental and conservation interests. At least 2 members of the council shall be representative of boating and off-highway recreational vehicle interests. One member shall be a member of the general public.

(c) Each member shall have a demonstrated history of dedication to the state's park system or outdoor recreation generally.

111. Each member shall serve for a term of 4 years. Of the initial members of the council, 4 members shall serve a term of 2 years, 4 members shall serve a term of 3 years, and 3 members shall serve a term of 4 years. Vacancies on the council shall be filled in the same manner as original appointments, for the unexpired term. Council members shall receive no compensation except for mileage and other expenses incurred while performing council business. Mileage shall be paid at the rate set for state employees.

IV. The council shall consult with and advise the director of the division of parks and recreation with respect to the policy, programs, and operations of the division, with particular emphasis on long-range planning for the division and on education of the public relative to the functions of the division, on a continuing basis. In order to accomplish said purposes, the council shall meet with the director not less frequently than quarterly, or at the call of the chairman or 3 council members. The council shall elect annually its own chairman and vice-chairman and the director shall furnish it with such clerical and other assistance as it may require. The council shall annually file a report of its deliberations and recommendations with the commissioner of the department of natural resources and the governor and council.

V. The parks and recreation council shall hear and decide all appeals from department decisions relative to the functions and responsibilities of the division of parks and recreation in accordance with RSA 21-P:14.

VI. The director of parks and recreation shall present all proposed rules regarding parks and recreation to the parks and recreation council for consideration prior to filing a proposed rule under RSA 541-A:3-a. The council shall present any objections to proposed rules to the director of parks and recreation in writing within 15 days. The director of parks and recreation may adopt a rule to which the council has objected only after presenting a written reply to the council detailing his reasons for adopting the rule over the objections of the council.

21-P:12 Office of the Commissioner. In the office of the commissioner of natural resources, there shall be the following responsibilities: administrative services, construction, planning, and public information and permitting, which shall include the following functions and such other functions as may be assigned by the commissioner:

I. Administrative services shall include the following services to all divisions, to the greatest extent possible:

(a) Accounting, purchasing, and budget control.

(b) Personnel management.

(c) Property, contracts, and grants management.

(d) Data processing.

(e) Compiling, indexing, and managing data collected by all divisions, which shall be used to establish a departmental data base for use by all divisions of the department.

II. Construction shall include all departmental construction and maintenance activities.

111. Planning shall be under the direct supervision of the assistant commissioner and shall include all department level short- and

long-range planning activities and the coordination and compilation of all division level planning activities.

IV. Public information and permitting shall include all initial public contact relative to permits and applications; furnishing members of the general public with all permit applications and information needed for any project which comes under the jurisdiction of the department, as well as information as to federal or local permits which may be required; assisting members of the general public, whenever possible, to fill out permit applications by directing them to the appropriate person within the relevant division of the department; and generally providing members of the general public with all of the information necessary for meeting permit requirements, including information as to where to find the relevant federal laws and regulations, rules, and municipal ordinances. Licenses and permits for fishing, hunting, and similar activities, and the registration of off-highway recreational vehicles and the licensing of OHRV operators shall be issued by the fish and game division, but applications for such licenses and permits shall be available as a part of the information and permitting service. Licenses and permits for the use and control of pesticides shall continue to be issued by the agriculture division, but applications for such licenses and permits shall be available as a part of the information and permitting service.

21-P:13 Rulemaking Authority.

1. The director of each division of the department of natural resources shall, with the approval of the commissioner, adopt such rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order to properly carry out the functions and responsibilities assigned the particular division under the laws of the state. This rulemaking authority shall be reviewed on or before June 30, 1989, by the house committee on executive departments and administration.

II. Prior to January 1, 1989, the commissioner of natural resources, after consultation with the division directors, shall present proposed legislation containing a specific delegation of rulemaking authority to division directors to replace this section to the chairman of the joint legislative committee on administrative rules established under RSA 541-A and to the senate president and the speaker of the house of representatives, who may refer such proposed legislation to the appropriate standing committees. This proposed legislative delegation of rulemaking authority shall be drafted in as narrow a manner as possible, consistent with the need to provide the commissioner of natural resources with sufficient authority to fulfill the regulatory role assigned to him under this chapter and other laws of the state. Notwithstanding the provisions of the joint rules of the house and senate, and subject to the approval of the joint rules committee, legislation prepared under this section shall be permitted to be introduced as a bill into the 1989 regular session of the general court.

21-P:14 Administrative Appeals.

1. For purposes of this chapter, "department decision" means the final action on an application, petition, order, or request taken by the commissioner or any department official who has statutory authority to make such final decision or to whom the commissioner has properly delegated the authority to take such final action. "Department decision" shall not mean rulemaking or an agency declaratory ruling as provided for in RSA 541-A.

II. Hearings before all councils established by this chapter shall be conducted in accordance with the provisions of RSA 541-A governing adjudicative proceedings.

III. Persons aggrieved by the disposition of administrative appeals before any council established by this chapter may appeal such results in accordance with RSA 541.

2 Transfers and Terminations; Resource Organizations.

I. The fish and game commission, and the fish and game department are hereby abolished and all of the functions, duties, powers, and responsibilities of those entities and the officials of those entities are hereby transferred to and vested in the commissioner of natural resources appointed pursuant to this act.

II. The division of forests and lands and the division of parks and recreation of the department of resources and economic development, the office of the commissioner of resources and economic development, including the immediate office of the commissioner and the elements of the office of the commissioner known as the design development and maintenance section and the business management section are hereby abolished and all of the functions, powers, duties, and responsibilities of those entities and the officials of those entities are hereby transferred to the commissioner of natural resources.

III. The transfer provided for in paragraph I of this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions, and other property or obligations of any kind of the fish and game commission and the fish and game department.

IV. The transfer provided for in paragraph II of this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions, and other property or obligations of any kind of the division of forests and lands and the division of parks and recreation of the department of resources and economic development.

V. The transfers and terminations provided for in this section shall become effective on the date set pursuant to the laws of 1983, 372:5, II. Prior to that date the existing entities, and the officials of those entities, referred to in this section shall retain their full power and authority.

### 3 Transfers; Department of Resources and Economic Development.

I. The division of economic development of the department of resources and economic development is hereby abolished and all of the functions, powers, duties, and responsibilities of that entity and the officials of that entity, and of the commissioner of resources and economic development relative to economic development activities, are hereby transferred to and vested in the director of the office of state planning.

II. All of the functions, powers, duties, and responsibilities of the bureau of marine services of the department of resources and economic development are hereby transferred to and vested in the New Hampshire port authority.

III. The transfer provided for in paragraph I of this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions, and other property or obligations of any kind of the division of economic development. The director of the office of state planning shall determine, in consultation with the commissioner of resources and economic development and the commissioner of natural resources, which of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions, and other property or obligations are part of the division of economic development. The director of state planning shall present, and the commissioner of natural resources shall include as presented, without change, a special addendum to the implementation plan required of the commissioner of natural resources by the laws of 1983, 372:4, III which shall detail the property, obligations, and personnel to be transferred to the office of state planning in accordance with this paragraph.

IV. The transfer provided for in paragraph II of this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions, and other property or obligations of any kind of the bureau of marine services. The director of



the New Hampshire port authority shall determine, in consultation with the commissioner of resources and economic development and the commissioner of natural resources, which of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions, and other property or obligations are part of the bureau of marine services. The director of the port authority shall present, and the commissioner of natural resources shall include as presented, without change, a special addendum to the implementation plan required of the commissioner of natural resources by the laws of 1983, 372:4, III which shall detail the property, obligations, and personnel to be transferred to the port authority in accordance with this paragraph.

V. The transfers provided for in this section shall become effective on the date set pursuant to the laws of 1983, 372:5, II. Prior to that date, the existing entities, and the officials of those entities, referred to in this section shall retain their full power and authority.

4 Transition Procedure. The transition procedure to be followed in implementing the new department established by this act shall be as specified in the laws of 1983, 372:2, 372:3, 372:4, and 372:5 and RSA 21-G.

5 Commissioner-Designate.

I. The governor, with the consent of the council, may appoint the commissioner of natural resources on or after July 1, 1987. The individual so appointed shall be known as the commissioner-designate until the department of natural resources becomes operational on the date set according to the laws of 1983, 372:5, II.

II. The commissioner-designate shall assume his full powers and duties under the law when the department of natural resources becomes operational on the date set according to the laws of 1983, 372:5, II. Prior to that date, the commissioner-designate shall perform only the duties prescribed by the laws of 1983, 372:4 and 372:5, and RSA 17-L.

III. The governor shall draw his warrant upon funds not otherwise appropriated to provide compensation to the commissioner-designate at the rate specified in section 14, II of this act during the transition period.

6 Appropriations. All realignment of functions, reassignment of personnel, and restructuring of organizational units required by this act shall be accomplished within the existing appropriations transferred from the agencies consolidated by this act to the department of natural resources.

7 Reference Changes.

I. As of the effective date for the department of natural resources set according to the laws of 1983, 372:5, II the references listed below are hereby changed as follows:

(a) All references to the "executive director", "executive director of the fish and game department", "fish and game department", "commissioner", "commissioner of resources and economic development" in RSA 215-A shall be changed to read "director of fish and game" or "director", as the context requires.

(b) All references to the "bureau" or to the "chief supervisor of the bureau of off-highway recreational vehicles" or the "supervisor of the bureau" in RSA 215-A shall be changed to read "director of the division of fish and game" or "director", as the context requires.

(c) All references to the "fish and game commission" or "commission" or "commissioners" in RSA 206 shall be changed to read "fish and game council" or "council" or "council members", as the context requires.

(d) All references to the "executive director", "executive director of the fish and game department", "fish and game department", in RSA title XVIII and any other law of the state of New Hampshire shall be changed to read "commissioner of natural resources" or "commissioner" or "director of fish and game" or "director", as the context requires.



(e) All references to the "department of resources and economic development" contained in RSA title XIX and any other law of the state of New Hampshire shall be changed to read "department of natural resources".

(f) All references to the "commissioner of resources and economic development" in RSA title XIX, and any other law of the state of New Hampshire shall be changed to read "commissioner of natural resources".

(g) All references to the "division of economic development, department of resources and economic development", the "division", the "director of the division of economic development", or the "director" (relating to division of economic development) in RSA title XIX and any other law of the state of New Hampshire shall be changed to read "office of state planning" or "director of the office of state planning" as the context requires.

(h) All references to the "bureau of marine services of the department of resources and economic development", or the "bureau" (relating to the bureau of marine services) in RSA title XIX and any other law of the state of New Hampshire shall be changed to read "New Hampshire port authority."

11. The director of legislative services is hereby authorized, with the approval of the speaker of the house of representatives and the president of the senate, to make changes in the printed versions of all laws and rules, and all legislation enacted by the 1987 session of the general court that may be necessary for the purpose of conforming the language of such laws, rules, or legislation to the language of this act, provided that no substantive changes may be thereby be made. The authority shall expire upon the printing of the 1987 session laws.

8 Initial Appointments; Terms. The provisions of RSA 21-P:3 to the contrary notwithstanding, the terms of the first commissioner, and division directors appointed under this act shall be as set forth in RSA 21-G:8, IffI and IV. The first assistant commissioner appointed under this act shall serve a 2-year term. Any assistant commissioner thereafter appointed shall have a 4-year term.

9 Councils; First Appointments. The first members of the councils established under RSA 21-P shall be selected from the members of the existing boards, commissions, and committees named in this section except as otherwise set forth:

1. The members of the first fish and game council established under RSA 21-P:7 shall be selected from the members of the fish and game commission established under RSA 206:1.

II. The 7 public members of the advisory commission of the department of resources and economic development established under RSA 12-A:5 shall be members of either the first forests and lands council established under RSA 21-P:9 or the first parks and recreation council established under RSA 21-P:11. The governor shall designate the council that each member is appointed to.

III. The appointment of council members under this section shall not require the consent of the executive council. All other memberships shall require appointment by the governor with the consent of the council in accordance with the provisions of RSA 21-P.

10 State Conservation Committee. Amend RSA 432:10 to read as follows:

432:10 State Conservation Committee. There is hereby established to serve as an agency of the state a conservation committee, which shall consist of 9 members: The director of the state cooperative extension service, the director of the state agricultural experiment station, the state commissioner of agriculture, the commissioner of natural resources, [the commissioner of the department of resources and economic development] and 5 appointed members, all of whom shall be district supervisors or former district supervisors who shall be from counties as

follows: one from Coos or Grafton; one from Belknap or Carroll; one from Cheshire or Sullivan; one from Hillsborough or Merrimack; one from Rockingham or Strafford. [Said] The supervisor or former supervisor members shall be appointed by the governor with the advice and consent of the council to serve 4 years respectively from August 1 and until their successors are appointed and qualified; provided, however, that of the first appointments made hereunder 2 members shall be appointed to serve for a term of 2 years and the other 3 members shall be appointed for a term of 4 years. Advisory committee members shall serve without vote and shall include the state conservationist, Soil Conservation Service, United States Department of Agriculture and others appointed by the state conservation committee as deemed appropriate. Vacancies shall be filled for the unexpired terms. The committee so composed shall elect annually its own chairman from one of the 5 appointees. The members of [said] the committee shall serve without compensation, but the appointees shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties. It may adopt rules, pursuant to RSA 541-A, necessary for the execution of its functions hereunder and shall keep a record of its official actions. [Within the limits of the appropriation it may employ such employees as it requires and fix their compensation subject to the rules of the department of personnel.] The state conservation committee shall be administratively attached to the office of the commissioner of the department of natural resources in accordance with the provisions of RSA 21-G:10 except that any services and personnel required by the committee shall be furnished by the commissioner and paid for out of the committee's budget.

11 Powers of the Director of Fish and Game. Amend RSA 206:15-b to read as follows:

206:15-b Powers of the Director of Fish and Game. [Notwithstanding the provisions of this chapter,] The director[, with the consent of the commission, shall have the power and authority to] of the division of fish and game of the department of natural resources may, with the consent of the fish and game council, extend any season on fish, game, and game birds, including migratory birds and fur-bearing animals, when a season has been closed by [an act of] fire ban or other proclamation or any unpredictable cause. [Such] The extension shall not exceed the total number of days permitted under the regular statutory season.

12 Temporary Authority to Set Salaries.

I. The commissioner of natural resources appointed pursuant to this act shall include as part of the implementation plan required by the laws of 1983, 372:4, III recommendations as to the appropriate temporary salary level for the assistant commissioner and for the directors of all divisions of the department.

II. The joint committee on implementation of reorganization established by RSA 17-L shall submit the recommendations submitted in accordance with paragraph 1 to the joint fiscal committee of the general court. The joint fiscal committee shall consider these recommendations and shall set a temporary salary level for the assistant commissioner and each division director of the department of natural resources, except as otherwise provided by this act.

III. The joint fiscal committee shall recommend permanent salary levels for the assistant commissioner and each division director of the department of natural resources to the next regular or special session of the general court following the effective date for the department of natural resources established pursuant to this act. In any case, the temporary salary levels set pursuant to this section shall expire 10 days after the last session day of the next regular or special session following the effective date for the department of natural resources established pursuant to this act.

13 Salaries.

1. Amend RSA 94:1-a, 1 by striking out the following:

(a) In group N, director, forest and lands, and director, parks and recreation.

(b) In group N, director, fish and game.

II. Amend RSA 94:1-a, 1 by inserting the following: In group T, commissioner of natural resources.

14 Repeals. The following are repealed:

I. RSA 12-A:1 through 1-d; 12-A:2 through 7; 12-A:8 through 11; 12-A:17 and 18, relative to the department of resources and economic development.

II. RSA 206:1; 206:2 through 8, and 206:10, relative to the fish and game commission.

15 Effective Date.

1. Sections 1, 2, 3, 4, 5, 6, 7, 12, 13, 11, and 15 of this act shall take effect July 1, 1987.

II. The remainder of this act shall take effect when the department of natural resources becomes operational on the date set according to 1983, 372:5, 11.

#### AMENDED ANALYSIS

The bill establishes a department of natural resources composed of parts of the present departments of resources and economic development, fish and game, and the fish and game commission. The division of economic development of the department of resources and economic development is transferred to the office of state planning.

The department includes the division of fish and game, forests and lands, and parks and recreation. Each division is provided a citizens' council to assist in setting policy, hear appeals of division decisions, and carry out each division's duties.

The department is responsible for managing, developing, and protecting the state's natural resources; management and conservation of the state's fish and wildlife; control, management, and preservation of the state's forest lands; maintenance of the Appalachian Trail; control and prevention of forest fires and pests; and development, operation, and maintenance of recreational facilities in the state's parks, forests, reservations, and historical sites.

All divisions have rulemaking authority, subject to the commissioner's approval. The division of fish and game may adopt rules with the approval of a majority of the fish and game council.

The commissioner of natural resources is responsible for assuring that dedicated revenues go only to those programs or divisions for which they are collected. The commissioner is to be assisted in formulating natural resources policy by a natural resources advisory committee. The commissioner is responsible for oversight and appeals of actions and decisions of the director of enforcement.

The department also includes a state conservation committee to advise the commissioner on conservation issues.

Amendment adopted.

Ordered to third reading.

HB 573-FN, establishing a fire standards and training council within the department of postsecondary vocational-technical education. Ought to Pass with Amendment.

Establishing a Fire Standards and Training Council within the Department of Postsecondary Vocational-Technical Education emphasizes the importance of services offered by this group, and that such service requires education and training of a professional character, and is in the best public interest of the citizens of New Hampshire. Vote 15-0. Rep. Catherine A. Schneiderat for Executive Departments and Administration.

## Amendment

Amend the bill by replacing section i with the following:

1 New Subdivision. Fire Standards and Training Council. Amend RSA 188-F by inserting after section 32 the following new subdivision:

## Fire Standards and Training Council

188-F:33 Findings and Policy. The legislature finds that the fire prevention, public fire education, fire fighting, fire protection, rescue, fire safety and research services of New Hampshire are of the utmost importance to its citizens and their property; that such services require education and training of a professional character; and that it is in the public interest of the citizens of and the visitors to New Hampshire that such education and training be made available to all fire service personnel, as defined in RSA 188-F:34, 11(b), and to all persons who seek to become fire service personnel.

## 188-F:34 Program Authorized; Definitions.

I. The New Hampshire fire standards and training council is hereby established and directed to administer and supervise a fire service training, education, and research program throughout the state. The program shall offer instruction in methods of determining and dealing with the causes of fire, the prevention of fire, techniques of firefighting and rescue, research techniques in firefighting and fire protection, and the administration and management of fire departments. The program shall be open to all fire service personnel within the state.

## 11. As used in this subdivision:

(a) "Council" means the fire standards and training council.

(b) "Fire service personnel" means firefighters, fire officers, rescue personnel connected with fire departments, fire prevention officers, inspectors, investigators, fire instructors, public education specialists, fire alarm personnel, or any other personnel who are members of fire departments or fire related state agencies, whether full or part-time.

## 188-F:35 Council.

1. There shall be a fire standards and training council consisting of 14 members, including the commissioner of postsecondary vocational-technical education or his designee, the attorney general or his designee, the chief of the forest fire service, and the state fire marshal, who shall each serve during their continuance in such offices, and one active member of each of the following associations or groups chosen by the governor, with the approval of the council, from a list of 3 qualified members submitted by each association or group:

(a) The New Hampshire Association of Fire Chiefs, Inc., as represented by a full-time career fire chief.

(b) The New Hampshire Association of Fire Chiefs, Inc., as represented by a volunteer fire chief.

(c) The Professional Firefighters of New Hampshire--International Association of Firefighters.

(d) The Fire Instructors and Officers Association of New Hampshire.

(e) The Federation of Fire Mutual Aid Associations.

(f) The State Firemen's Association.

(g) The insurance industry of New Hampshire, which members shall be recommended by the New Hampshire Association of Domestic Insurance Companies.

(h) The New Hampshire Municipal Association.

(i) The New Hampshire Permanent Firemen's Association.



(j) The New Hampshire Fire Prevention Society.

II. Appointed members shall serve terms of 3 years, provided that no such members shall serve beyond the time they cease to hold the membership which qualified them for appointment to the council.

III. Members shall serve without compensation except that they shall be reimbursed for their regular and necessary expenses in the performance of their duties as members.

IV. The members shall annually elect from among themselves a person to serve as council chairman and another to serve as council vice-chairman. The chief of fire service training shall serve as the council's executive officer, although he shall not vote in the council's determinations. The council shall hold no fewer than 4 regular meetings a year at such times and places as the chairman shall fix, either on his own motion or upon written request of any 4 members.

V. The council shall report biennially to the governor and general court on its activities, and may make such other reports as it deems desirable.

188-F:36 Rulemaking. The council, notwithstanding the provisions of RSA 21-G:9, shall adopt rules, under RSA 541-A, relative to:

I. The conduct of its meetings.

II. The establishment of minimum selection, educational, and training standards for fire service personnel, other than fire officials employed by the forest fire control division of the department of resources and economic development.

III. Evidentiary standards for the satisfaction of minimum educational and training standards adopted under paragraph II.

IV. The establishment of minimum curriculum requirements for preparatory, in service, and advanced courses and programs for schools operated by or for the state or any of its political subdivisions for the specific purpose of training fire service personnel.

V. What constitutes a full-time career firefighter for purposes of RSA 188-F:38, 1.

VI. Procedures for the conduct of investigations authorized under this subdivision.

VII. The issuance of certificates evidencing the satisfaction of educational and training requirements.

188-F:37 Powers and Duties. Notwithstanding the provisions of RSA 21-G:9:

1. The council, within budgetary and staff limitations, shall:

(a) Certify fire service personnel as meeting minimum education and training standards.

(b) Establish, maintain, approve and certify programs, courses, institutions, and facilities for study for all fire service personnel, and recruits.

(c) Act as the advisory committee to the board of governors and the state board of education concerning any fire educational program.

(d) Nominate a chief of fire service training and employ such other personnel as may be necessary to perform its duties. All permanent personnel hired by the council shall be classified state employees, except that the chief of fire service training shall be nominated by the council and appointed by the commissioner for a term of 4 years. He shall be an unclassified employee whose salary shall be established by RSA 94:1-a.

(e) Provide all fire service personnel with professional instruction and training.

(f) Develop and promote new methods and practices of firefighting, rescue operations, fire prevention, and fire administration.

(g) Provide facilities for the training of fire service personnel and testing of firefighting and rescue equipment and operations.

(h) Disseminate information relative to fires and rescues, techniques of firefighting and rescuing, fire prevention, fire



administration, and other related subjects to all interested agencies and individuals throughout the state.

(i) Employ part-time instructors or assistants and compensate them for organizing, developing, and conducting approved fire training and rescue courses or other work as directed at an hourly rate established by the council and for mileage and expenses incurred in performing their official duties.

(j) Require submission of reports and information from fire departments within this state that may be pertinent to the effective functioning of the council.

(k) Make such investigations as may be necessary to determine whether governmental units are complying with the provisions of this subdivision.

II. The council may:

(a) Make or cause to be made studies of any aspect of fire service, education, operations, training, research, or recruitment.

(b) Enter into contracts or do such things as may be necessary and incidental to the administration of its authority pursuant to this subdivision.

(c) Undertake any project and engage in any activity which will serve to improve public fire safety or public safety.

(d) Accept in the name of the state any and all fees for tuition or services, publications, certifications, donations and grants from any governmental unit, public agency, institution, person, firm, or corporation and receive, use, and dispose of the same, subject to budgetary provisions and consistent with the rule of the council and the purposes or conditions of the donation or grant. The receipt of a donation or grant shall be noted in the annual report of the council, which shall also identify the nature of the donation or grant, and the conditions of the donation or grant, if any. Any moneys received by the council pursuant to this paragraph shall be deposited in the state treasury to the account of the council and shall not lapse. In addition, the council may receive, hold, and use gifts, bequests, and devices either outright or in trust for purposes consistent with this subdivision.

188-F:38 Educational and Training Requirements; Certification.

I. No person shall be appointed as a full-time career firefighter, except on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory program of fire training approved by the council. From time to time, as it deems advisable, the council may adopt additional educational and training standards, as authorized under RSA 188-F:36, II, to be met by full-time career firefighters subject to that paragraph, provided that no person shall be excluded from such employment on the basis of any rule adopted under RSA 188-F:36, II until such rule has been in effect for at least one year. No firefighter who lacks the educational and training qualifications required by this paragraph may have his temporary or probationary employment extended beyond 2 years.

II. The council shall issue a certificate evidencing satisfaction of the educational and training requirements established under RSA 188-F:36, II to any person presenting the council with satisfactory evidence of the completion of such requirements, whether in this jurisdiction or any other.

188-F:39 Reimbursement of Expenses. The council may reimburse fire departments or fire-related state agencies for expenses incurred in the training of their fire personnel in attendance at approved training programs to the extent it considers reasonable given the amount of available funds, provided that any such department or agency adheres to the selection and training standards adopted by the council.

188-F:40 Funding. All sums appropriated by the state for the program established under this subdivision, together with any federal funds received, shall be expended by the fire standards and training council.

188-F:41 Facilities. In order to promote the effectiveness and efficiency of the fire service training and research program, the council is encouraged to use such personnel and equipment from other state agencies, federal agencies, district fire mutual aid associations, and public and private fire departments, as may be made available to them by the heads or appropriate authorities of such agencies, including but not limited to the use of radio and other communications facilities, including computer systems.

188-F:42 Unit of Department of Postsecondary Vocational-Technical Education. The fire standards and training council is a unit of the department of postsecondary vocational-technical education.

Amend paragraph IV of section 5 of the bill by replacing it with the following:

IV. Offer, after consultation with the fire standards and training council, as many fire service training courses as the board of governors deems appropriate in as many areas of the state as possible.

Amend section 8 of the bill by replacing it with the following:

8 Salary. Amend RSA 94:1-a, I by inserting under group K the position of: Chief of fire service training.

Amend section 10 of the bill by replacing it with the following:

10 Fire Service Training Chief. Notwithstanding any other provision of law, the present incumbent chief of fire service training shall be transferred to the new unclassified position of chief of fire service training. His term of office and transfer shall begin upon the effective date of this act.

11 Contingency; Salary. Notwithstanding section 8 of this act, the salary of the chief of fire service training shall be in the same group under RSA 94:1-a, I as the director of the police standards and training council, if the salary of the director of the police standards and training council is increased by act of the 1987 general court.

12 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill renames the fire standards and training commission as the fire standards and training council and moves the council to within the department of postsecondary vocational-technical education. The council's PAU remains separate from that of the department.

The council retains complete authority for rulemaking and responsibility for setting firefighter training standards.

The bill as amended establishes the position of chief of fire services training as an unclassified state employee and transfers the incumbent to the new position.

Amendment adopted.

Ordered to third reading.

HB 590-FN, relative to fees charged by licensing boards. Ought to Pass with Amendment.

This bill, with its amendment, provides an improved framework for the operation of various licensing boards. It provides for more consistency in licensing, fees, rule-making and complaint handling. It establishes administrative oversight and logistical support for various health-related activities within the Division of Public Health Services. It makes similar provisions for various non-health-related boards within the Department of State. Vote 14-2. Rep. Paul R. Filiion for Executive Departments and Administration.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to fees charged by licensing boards and creating  
a bureau of professional regulation in the division of  
public health services.

Amend RSA 332-G:5 as inserted by section 1 of the bill by replacing it with the following:

332-G:5 Publication Sales. Boards or commissions which sell publications shall recover, on an annual or biennial basis, the full cost of producing and distributing publications produced by the board or commission, including the cost of support and administrative services provided by other agencies, or 125 percent of direct costs of the board or commission relating to the publications, whichever is greater.

Amend section 1 of the bill by inserting after RSA 332-G:6, the following:

332-G:7 Intent of Regulation. Each board or commission shall ensure that practitioners licensed under their authority shall achieve and maintain minimum qualifications to protect the public health or safety. Each board or commission shall also ensure that entrance and practice requirements do not interfere with the free exercise of any occupation or profession except as is necessary to protect the public health or safety. Members of boards and commissions are to serve for the public interest.

332-G:8 General Rulemaking. Each board or commission shall, in addition to any other requirements included in its specific enabling legislation, adopt rules under RSA 541-A relative to the following:

I. Minimum education and experience requirements for licensure to protect the public health or safety. Such requirements shall not include references to general business skills.

II. Written examinations of competence when the board has determined that such examinations are necessary to protect public health and safety. Such examinations shall be nationally recognized standardized tests whenever possible.

III. Written examination on New Hampshire law relevant to the occupation or profession. Such examinations shall be reviewed by the department of justice before use.

IV. Procedures for oral examinations and interviews, when the board has determined that such examinations are necessary to protect public health and safety. Such rules shall include a listing of permissible areas of inquiry and a statement of the means by which the inquiry will be recorded. Transcripts or recordings shall be maintained by the board or commission for a period of not less than 90 days.

V. Procedures for practical examinations when the board has determined that such examinations are necessary to protect public health and safety. Such rules shall provide that at least 2 experienced practitioners shall observe and pass on any practical examination.

VI. References from other practitioners of the occupation or profession, when the board has determined that such references are necessary to protect public health or safety. References may only be solicited from practitioners who have actual knowledge of applicant's competence gained in a supervisory capacity.

VII. Requirements that applicants be of good character. Such requirement shall specify the criteria to be used in evaluating an

applicant's character and shall be limited to matters directly related to the ability of the applicant to perform the functions of the occupation or profession.

VIII. Methods by which licensees shall inform the public of their right to complain to the board regarding licensees' conduct, and of procedures for doing so. Such methods may include posted notices, notice or bills or other appropriate methods.

IX. Methods by which the board will become aware of complaints made against licensees in other forums such as professional and business organizations and the courts. Such methods shall include a requirement that licensees disclose such complaints at the time of license renewal. Failure to disclose may be cause to revoke the license.

X. Methods for investigating complaints and for conciliation where appropriate.

XI. Hearing procedures in accordance with RSA 541-A.

XII. Methods for informing the public of the results of disciplinary actions. These methods shall ensure that information on disciplinary actions is made available to consumers.

XIII. The type and severity of offense which will warrant an official warning and the effect of warning on penalties for subsequent offenses.

XIV. Methods to ensure that licensees maintain minimum competency to protect public health or safety. Such methods may include continuing education, re-testing, peer review or other appropriate procedures. If continuing education is required, the amount of education required shall be reasonable and shall reflect the rate of legal and technological change within the occupation or profession. Courses on general business practice may be permitted but shall not constitute the principal content of approved continuing education.

XV. Methods for ensuring compliance with continuing education requirements and for evaluating continuing education courses, if appropriate.

XVI. An ethics code for board members and employees. This code shall include at least the following provisions:

(a) No board member shall participate in any action related to the issuance of a license or disciplinary matter involving himself or a person with whom he is personally or professionally associated.

(b) No board member shall, for pay of any type, teach or participate in any continuing education effort approved by the board of which he is a member; provided, however, that a board member may participate in such an education program in his capacity as a board member and receive such compensation as is normally authorized for board-related business.

(c) No board member shall serve as an officer of a professional association which represents practitioners of any occupation or profession under the jurisdiction of the board.

XVII. The application procedure for any license, certificate, permit, or registration.

XVIII. The design and content of all forms.

XIX. Establishment of all fees required which are not set by law.

Amend the bill by replacing all after section 1 with the following:

2 New Chapter; Bureau of Professional Regulation; Division of Public Health Services. Amend RSA by inserting after chapter 125-H the following new chapter:

CHAPTER 125-I  
ADMINISTRATIVE SUPPORT FOR THE REGULATION  
OF HEALTH-RELATED PROFESSIONS

125-I:1 Purpose. The general court finds that it is in the interest of the state to provide efficient and effective administrative support to public health-related boards by consolidation of administrative support services for those boards. The general court further finds that it is in the public interest to provide an identifiable, accessible office at which the public may gather information, express concerns, and file complaints regarding public health-related professions and occupations. The general court therefore vests responsibility for providing administrative support services to public health-related regulatory boards with the division of public health services.

125-I:2 Definitions. In this chapter:

I. "Administrative services" means:

(a) Secretarial, clerical, and administrative services, which includes the processing of applications for licensure, certification, or registration, and the renewal thereof; the preparation and keeping of records and other materials; and the storage and safeguarding of all applications, records, reports, and other information;

(b) Financial management, including accounting, appropriation oversight, collection of fees, fines, and other revenue and purchasing functions;

(c) Property and contracts management; and

(d) Computer services for information management and data processing.

II. "Boards" means, unless the context indicates more than one but fewer than all of the following, the board of examiners of nursing home administrators, the board of barbering and cosmetology, the board of podiatry, the board of chiropractic examiners, the board of dental examiners, the pharmacy board, the board of registration of funeral directors and embalmers, the board of registration in optometry, the board of registration in medicine, the board of examiners of psychologists, and the board of nursing education and registration.

III. "Director" means the director, division of public health services, or his designee.

IV. "Division" means the division of public health services, department of health and human services.

125-I:3 Duties. The director shall:

I. Establish and maintain a bureau of professional regulation within the division. The bureau shall be responsible for providing administrative services, in consultation with the boards, to support:

(a) The registration of hearing aid dealers under RSA

137-F.

(b) The board of examiners of nursing home administrators operating pursuant to RSA 151-A.

(c) The board of barbering and cosmetology operating pursuant to RSA 313-A.

(d) The licensure and registration of electrologists under RSA 314.

(e) The board of chiropractic examiners operating pursuant to RSA 316.

(f) The board of dental examiners operating pursuant to RSA 317-A.

(g) The pharmacy board operating pursuant to RSA 318.

(h) The board of registration of funeral directors and embalmers operating pursuant to RSA 325.

(i) The licensure of occupational therapists and occupational therapy assistants under RSA 326-C.

(j) The advisory committee for the practice of lay-midwifery operating under RSA 326-D.

(k) The board of registration in optometry operating pursuant to RSA 327.

(l) The registration of physical therapists and physical therapists assistants under RSA 328-A.



(m) The licensure of masseurs, masseuses, and massage establishments under RSA 328-B.

(n) The board of registration in medicine operating pursuant to RSA 329.

(o) The board of examiners of psychologists operating pursuant to RSA 330-A.

(p) The board of nursing education and registration operating pursuant to RSA 326-B.

II. Monitor the rulemaking activities of the boards to ensure that all rules adopted or proposed for adoption are:

(a) Consistent with the provisions of RSA 541-A;

(b) Consistent with the specific statutory authority under which they are adopted;

(c) Consistent with other provisions of statute; and

(d) Consistent with rules adopted by the director or any other board, commission, or agency.

If the director determines that a rule proposed for adoption is not consistent with the criteria established in subparagraphs (a)-(d) of this paragraph he shall notify the relevant board in writing. If the board does not take action to correct the problem which has been identified by the director he shall notify the legislative committee on administrative rules in writing.

III. Notify the boards of their financial obligations as provided in RSA 125-I:8, VI.

#### 125-I:4 Nursing Registration Section.

I. The bureau of professional regulation shall include a nursing registration section.

II. The section shall be administered by an executive director who shall be appointed by the director, with the approval of the board of nursing as required under RSA 326-B:5.

III. The executive director shall hire and supervise all staff primarily assigned to support of the board of nursing.

IV. The section shall include all staff primarily assigned to support of the board of nursing.

#### 125-I:5 Medical Registration Section.

I. The bureau of professional regulation shall include a medical registration section.

II. The section shall be administered by a supervisor who shall be appointed by the director, with the approval of the board of registration in medicine.

III. The supervisor shall hire and supervise all staff primarily assigned to support of the board of registration in medicine.

IV. The section shall include all staff primarily assigned to support of the board of registration in medicine.

#### 125-I:6 Barbering and Cosmetology Section.

I. The bureau of professional regulation shall include a barbering and cosmetology section.

II. The section shall be administered by a supervisor who shall be appointed by the director, with the approval of the barbering and cosmetology.

III. The supervisor shall hire and supervise all staff primarily assigned to support of the board of barbering and cosmetology.

IV. The section shall include all staff primarily assigned to the support of the board of barbering and cosmetology.

#### 125-I:7 Pharmacy Section.

I. The bureau of professional regulation shall include a pharmacy section.

II. The section shall be administered by a supervisor who shall be appointed by the director, with the approval of the pharmacy board.

III. The supervisor shall hire and supervise all staff primarily assigned to support of the pharmacy board.

IV. The section shall include all staff primarily assigned to support of the pharmacy board.

125-I:8 Budgeting, Accounting, and Expenditures.

I. The bureau of professional regulation shall be funded through administrative assessments placed on the boards which it serves.

II. The director shall, in consultation with the boards, establish a reasonable cost allocation plan such that all direct and indirect cost to the bureau of professional regulation, the division of public health services, and the department of health and human services attributable to administration of the boards shall be fully reimbursed by the boards.

III. The director shall, in establishing the procedures for the bureau of professional regulation, consult with the boards to assure that specific provisions of statute are respected with regard to processing of applications, preparation of reports or other material related to the boards and activities listed in RSA 125-1:3, and the handling, storage and safeguarding of all records, applications, reports or other materials. The procedures established shall, insofar as is possible, adhere to a single set of processing standards for the handling of applications and renewals.

IV. Each board shall, with the assistance of the director, prepare a budget which includes the cost of per diem and other payments to board members as well as an assessment for administrative support costs and other expenses necessary to the proper operation of the board. The administrative assessment shall be based on the cost allocation plan developed by the director.

V. The director shall ensure that each board receives the administrative and support services for which it has been assessed.

VI. All fees and other moneys received by the boards shall be attributed in the system of accounting by the director to the appropriate board or activity and shall be paid monthly by the director to the state treasurer.

VII. The director shall provide to the boards a report of disbursements and receipts at least quarterly. The report shall include such other financial information as the boards may desire and as may be available.

VIII. The director shall furnish each board with a recommended schedule of fees which shall be sufficient to raise revenue equal to 125 percent of the cost of each board including the assessment for administrative services. If, after reviewing the suggested fees schedule, a board imposes a fee schedule which will not, or is not likely to, raise sufficient revenue, the director shall notify that board in writing. If the board does not thereafter amend its fee schedule, the director shall notify the legislative committee on administrative rules.

125-1:9 Reports, Publications, and Recommendations. The director, in consultation with the boards, shall:

I. Prepare and submit to the general court recommendations for changes in the statutes that would facilitate the consolidated administration of the boards and other activities listed under RSA 125-1:3, I.

II. Make available the publications required under RSA 332-II.

III. Assist the boards in preparing such reports as they may be required to submit to the governor and executive council and to the general court.

125-1:10 Personnel. The bureau of professional regulation shall include all full and part-time employees responsible for providing administrative and clerical support to the boards.

125-1:11 Maintenance of Records, Materials.

I. All provisions of confidentiality specified in the statutes listed in RSA 125-1:3, I shall be binding upon the administrative services unit.

11. The director shall, in establishing the procedures for the bureau of professional regulation, consult with the boards to assure that specific provisions of statute are respected with regard to processing of applications, preparation of reports or other material related to the boards, and activities listed in RSA 125-1:3, and the handling, storage, and safeguarding of all records, applications, reports, or other materials. The procedures established shall, insofar as possible, adhere to a single set of processing standards for the handling of applications and renewals.

3 Commission and Boards; Department of State. RSA 5:13 is repealed and reenacted to read as follows:

5:13 Commissions and Boards Functioning Within Department.

I. The ballot law commission, the boxing and wrestling commission, the board of accountancy, the joint board of engineers, architects, and land surveyors, and the board of auctioneers shall each function within the department of state as a separate organizational entity and with all the powers and duties as heretofore provided, except as otherwise provided by law.

II. The secretary of state shall establish within the department of state a division of occupational regulation. The division of occupational regulation shall provide administrative and clerical assistance, office space, equipment and other necessary support to the occupational regulation and licensing boards and commissions attached to the department.

III. The division established under this section shall be the principal office and principal records repository of each board and commission attached to the department under paragraph 1 of this section.

IV. The secretary of state shall, after consultation with the boards and commissions identified in paragraph I, establish a reasonable cost allocation plan such that all direct and indirect costs to the division and the department attributable to administration of the boards and commissions shall be fully reimbursed by the boards and commissions. Each board or commission shall ensure that the license fees it establishes are sufficient to reimburse the department for its costs and to comply with other statutory requirements. If the secretary of state determines that a board or commission has established fees which do not, or are not likely to, generate sufficient revenues or comply with statutory requirements, he shall notify the board in writing. If the board does not thereafter amend its fee schedule, the secretary of state shall notify the legislative committee on administrative rules.

V. The secretary of state shall monitor the rulemaking activities of the boards to ensure that all rules adopted or proposed for adoption are:

- (a) Consistent with the provisions of RSA 541-A;
- (b) Consistent with the specific statutory authority under which they are adopted;
- (c) Consistent with other provisions of statute; and
- (d) Consistent with rules adopted by the secretary of state or any other board, commission, or agency.

If the secretary of state determines that a rule proposed for adoption is not consistent with the criteria established in subparagraphs (a)-(d) of this paragraph, he shall notify the relevant board in writing. If the board does not take action to correct the problem which has been identified by the secretary of state, he shall notify the legislative committee on administrative rules in writing.

5:13-a Real Estate Commission. The real estate commission shall be administratively attached to the department of state under RSA 21-G:10.

I. The secretary of state and real estate commission shall enter into a memorandum of agreement detailing the administrative services which the department of state shall provide to the commission.

11. This agreement shall address services such as:
  - (a) Budget and financial management.
  - (b) Purchasing.
  - (c) Records management including data processing systems.

III. The agreement shall include provision for a transfer of funds from the real estate commission to the department of state to cover the actual costs of any services provided.

#### 4 Transfer; Public Health Services.

1. The classified personnel, unexpended appropriations, equipment, records, and other material associated with or in the possession of the boards and activities listed below are hereby transferred to the division of public health services of the department of health and human services:

- (a) The registration of hearing aid dealers under RSA 137-F.
- (b) The board of examiners of nursing home administrators operating pursuant to RSA 151-A.
- (c) The board of barbering and cosmetology operating pursuant to RSA 313-A.
- (d) The licensure and registration of electrologists under RSA 314.
- (e) The board of podiatry operating pursuant to RSA 315.
- (f) The board of chiropractic examiners operating pursuant to RSA 316.
- (g) The board of dental examiners operating pursuant to RSA 317-A.
- (h) The pharmacy board operating pursuant to RSA 318.
- (i) The board of registration of funeral directors and embalmers operating pursuant to RSA 325.
- (j) The licensure of occupational therapists and occupational therapy assistants under RSA 326-C.
- (k) The advisory committee for the practice of lay-midwifery operating under RSA 326-D.
- (l) The board of registration in optometry operating pursuant to RSA 327.
- (m) The registration of physical therapists and physical therapist assistants under RSA 328-A.
- (n) The licensure of masseurs, masseuses, and massage establishments under RSA 328-B.
- (o) The board of registration in medicine operating pursuant to RSA 329.
- (p) The board of examiners of psychologists operating pursuant to RSA 330-A.

11. The transfers provided for in this section shall become effective on October 1, 1987. Prior to that date, the existing entities and the officials of those entities, referred to in this section shall retain their full power and authority.

#### 5 Transfer-Board of Nursing.

1. The classified employees, unexpended appropriations, equipment and records of the board of nursing education and registration are hereby transferred to the nursing registration section established under RSA 125-I:4. The staff transferred under this section shall be primarily responsible for providing administrative support to the board of nursing registration.

11. The transfers provided for in this section shall become effective on October 1, 1987. Prior to that date, the existing entities and the officials of those entities, referred to in this section shall retain their full power and authority.

#### 6 Finances; Public Health Services.

1. All funds which have been appropriated to the several boards and commissions attached to the division of public health services under



this act which are not expended as of the effective date of this act shall be transferred to the division of public health services for the operation of the bureau of professional regulation.

11. If the director finds that the funds hereby transferred are not sufficient to reimburse the department for expenses incurred for operational costs and transition costs, he shall make application to the joint fiscal committee for increased budget authorization. The committee may grant such request, in whole or in part, but such authorization shall not exceed the revenue obtained from the attached boards

7 Transfers; Department of State.

I. All records, equipment, and employees of the boards and commissions identified in RSA 5:13 are transferred to the division of occupational regulation of that department.

11. The transfers provided for in this section shall become effective on October 1, 1987. Prior to that date, the existing entities, and the officials of those entities, referred to in this section shall retain their full power and authority.

8 Finances, Department of State.

I. All funds which have been appropriated to the several boards and commissions identified in RSA 5:13 which are not expended as of the effective date of this act shall be transferred to the department of state for the operation of the division of occupational regulation.

11. If the secretary of state finds that the funds transferred under this act are not sufficient to reimburse the department for expenses incurred for operational costs and transition costs, he shall make application to the joint fiscal committee for increased budget authorization. The committee may grant such request, in whole or in part, but such authorization shall not exceed the revenue obtained from the attached boards and commissions.

9 Cooperation.

I. Every board attached to the division of public health services or department of state under this act, their members and employees shall fully cooperate with the director of public health services or secretary of state in implementing the intent of this act.

11. Every board attached to the division of public health services or department of state under this act, shall transmit, upon request, any information necessary to implement the provisions of this act, including, but not limited to:

(a) A complete list of all personnel, including salaries and job descriptions;

(b) A complete inventory of all real property, owned or leased, furniture, fixtures and equipment of every kind;

(c) Financial data and information;

(d) A summary of all floor space in state or privately-leased office buildings then being utilized; and

(e) The terms and conditions of all outstanding legal obligations of the board or commission.

10 Reference Change.

I. All references to the "commissioner" in RSA 328-B shall be changed to read "director".

11. All references to "health and human services" in RSA 328-B shall be changed to read "division of public health services, department of health and human services."

11 Rules Authorized. The general court declares that all of the rules of the boards and commissions referred to in this act which have been properly filed with the director of legislative services as final rules, as required by RSA 541-A, prior to the effective date for the bureau of professional regulation and the division of occupational regulation established by this act shall be deemed to have been adopted under valid statutory authority except as otherwise provided in this section. The expiration dates for such rules under RSA 541-A:2, IV in



effect on the effective date of this section shall remain unchanged. The presumption of validity accorded such rules by this section shall not be construed to extend beyond the expiration dates in effect on the effective date of this section.

12 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill, as amended, requires boards and commissions administering programs for which a fee is charged to establish the fee at a level which shall recover, either annually or biennially, the full costs of the program, including any administrative services or support of other agencies, or 125 percent of the board's or commission's direct costs, whichever is greater.

The bill establishes general standards for matters to be included in the rulemaking activities of professional regulatory boards and commissions.

The bill establishes a bureau of professional regulation in the division of public health services, department of health and human services. The bureau is responsible for providing administrative support services to, and monitoring the consistency of the regulations issued by, various boards and commissions which regulate the health-related professions.

The bill also establishes a division of occupational regulation in the department of state to monitor the regulatory activities of, and provide administrative support services to, the ballot law commission, board of accountancy, joint board of engineers, architects, and land surveyors, and the board of auctioneers. The bill also administratively attaches the real estate commission to the department of state.

Amendment adopted.

Ordered to third reading.

HB 693-RN, to include county jail and house of correction personnel in group II in the New Hampshire retirement system. Ought to Pass with Amendment.

This bill permits counties to elect to have the full-time correctional line personnel of county correctional facilities participate as Group II members of the Retirement System under strictly limited conditions. As amended, the bill also clarifies the definitions of "permanent policemen" and "permanent firemen" for the purposes of Group II membership.

The Committee is concerned with the need for maintaining the integrity of Group II membership which has recently been expanded to include job classifications outside the original intent. Group II membership criteria should preserve the long-standing principle of special retirement provisions for policemen and firemen, recognizing that careers in these public-safety services involve greater than normal danger and stress over an extended period of years, with resulting shortened life expectancy, which warrants provision for early retirement. Group II membership should not be made available to every person whose job entails hazards and has some indirect, occasional, or short-term connection with public-safety, but should be reserved for those who are properly trained and qualified and can be presumed to be making a long-term career of public-safety services. It should also provide an incentive for capable persons to pursue such long-term public-safety careers.

The amended bill prohibits further transfer of job positions from Group I to Group II without specific legislation, and calls for a review by the Committee of Group II qualifications and positions for possible 1988 legislation. It grandfathers present Group II members

who might otherwise be transferred to Group I for as long as they stay at their present jobs. It also clarifies certain other portions of the Retirement Statute and repeals sections relating to transfer of classification, where the transfer is complete and the job positions transferred are covered in the definitions. Vote 16-0. Rep. Richard H. Campbell, Jr., for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT relative to determining membership in the New Hampshire retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Permanent Policeman Redefined. RSA 100-A:1, VII and VII-a are repealed and reenacted to read as follows:

VII. "Permanent policeman" shall mean any person, who as a job requirement has satisfied minimum standards as determined by the police standards and training council for physical condition, education, and training and is certified under RSA 188-F:22 through 30 as a police officer as defined in RSA 188-F:23, and who is regularly employed on full-time duty by the department of safety, the fish and game department, the state liquor commission, or by a police department or police force or sheriff's department of any county, city, town or village of the state. In all cases of doubt, the board of trustees, by a vote of 2/3 of the members present, shall determine whether any person is a permanent policeman as defined in this section.

VII-a. For the purposes of this chapter, "permanent policeman" shall also include:

(a) Any permanent correctional line personnel employed full-time by the department of corrections, who as a job requirement have satisfied minimum standards for physical condition, education, and training as approved by the police standards and training council and are certified as correctional line personnel; and

(b) Any permanent correctional line personnel employed full-time by a county correctional facility, who as a job requirement have satisfied minimum standards for physical condition, education, and training as approved by the police standards and training council and are certified as correctional line personnel, provided, however, that "permanent policeman" shall include the permanent correctional line personnel of a particular county as provided in this subparagraph only after election by the county convention as provided in RSA 100-A:20, III.

2 Permanent Policeman Redefined. Amend RSA 100-A:1, VII-b and VII-c to read as follows:

VII-b. Notwithstanding the provisions of paragraph VII of this section, no [radio] dispatcher, mechanic, electrician, lab worker or other technical expert, nor any bingo or lucky 7 inspector, shall be construed to be a permanent policeman for purposes of membership in group II [member] of the retirement system.

VII-c. Notwithstanding the provisions of paragraphs VII and VII-a of this section, no security officer appointed pursuant to RSA 135:41, shall be construed to be a permanent policeman for purposes of membership in group II [member] of the retirement system.

3 Permanent Fireman Redefined. RSA 100-A:1, VIII and VIII-a are repealed and reenacted to read as follows:

VIII. "Permanent fireman" shall mean any person, who as a job requirement has satisfied minimum standards for physical condition,

education, and training as approved by the fire standards and training commission and is certified as a firefighter by the fire standards and training commission, and who is regularly employed on full-time duty by any fire department of the state or of any county, city, town, or village of the state, or by the division of forests and lands of the department of resources and economic development. In all cases of doubt, the board of trustees, by a vote of 2/3 of the members present, shall determine whether any person is a permanent fireman as defined in this section.

VIII-a. Notwithstanding the provisions of paragraph VIII, no dispatcher shall be construed to be a permanent fireman for purposes of membership in group II of the retirement system.

4 New Paragraph; Correctional Line Personnel Defined. Amend RSA 100-A:1 by inserting after paragraph VIII-a the following new paragraph:

VIII-b. "Correctional line personnel" shall mean any employees of a correctional department or facility administered by the state or by any of its political subdivisions who work within a correctional facility in close and immediate contact with prisoners on a daily basis and who meet minimum standards for physical condition, education, and training and are certified as correctional line personnel.

5 Transfer of Membership; Grandfather Clause. RSA 100-A:3, II-b is repealed and reenacted to read as follows:

II-b. If any employment position is changed in classification from group I to group II by any administrative or legislative action, such change shall not apply to any service in such position rendered prior to the effective date of the action effecting the change in classification, but the person holding such position shall thereafter be a group II member of the retirement system and upon retirement, death, or termination of service shall be entitled to split benefits as provided in RSA 100-A:18. If any employment position is changed in classification from group II to group I, a person holding such position shall continue to be a group II member of the retirement system for as long as he holds that position. Any other person holding the position or who may hold it thereafter shall be a group I member of the retirement system.

6 New Paragraph; Transfer of Job Classification. Amend RSA 100-A:3 by inserting after paragraph VIII the following new paragraph:

IX. No transfer of job classification from group I to group II of the retirement system shall be effected without legislation specifically authorizing the transfer.

7 New Paragraph; County Correctional Line Personnel. Amend RSA 100-A:20 by inserting after paragraph II the following new paragraph:

III. Any county that has elected under the provisions of paragraph I of this section to have its officers and employees become eligible to participate in the retirement system may further elect, by affirmative vote of the county convention upon recommendation of the county commissioners and the executive committee, to transfer from group I to group II of the retirement system such permanent correctional line personnel of the county correctional facilities who are defined as permanent policemen under RSA 100-A:1, VII-a(b). The election by the county convention of any one county to transfer such correctional line personnel from group I to group II shall not affect the retirement system classification of such correctional line personnel in any other county. Members so transferred following an affirmative vote of the county convention shall thereafter be group II members of the retirement system and shall make contributions as provided in RSA 100-A:16, I. The employer normal contribution and the proportions of the employer normal contribution to be paid by the county as employer and by the state on account of members so transferred shall be as provided in RSA 100-A:16, II(b). Upon retirement, death, or termination of service, a member so transferred under this section shall be entitled to split benefits as provided in RSA 100-A:18.

8 Split Benefits. RSA 100-A:18, 1 is repealed and reenacted to read as follows:

1. Any person who is a full contributing member of the retirement system and whose membership group classification is changed because he changes his employment from a job in one classification to a job in another classification, or because his job is reclassified from one retirement group classification to another, shall thereafter be a member of the retirement system in the group classification determined by the classification of his new or reclassified job position except as otherwise provided by the grandfather provisions in RSA 100-A:3, II-b. If such member does not make the election provided under paragraph 11 of this section, then upon retirement or termination of service, his retirement allowance shall be determined as the sum of the retirement allowances with respect to the period of creditable service in each such classification computed in each case on the basis of the member's creditable service in the respective classification and average final compensation at the time of retirement. Solely for the purpose of determining the member's eligibility for benefits with respect to creditable service in each classification, the creditable service shall be the sum of the creditable service rendered in each classification. In the event of retirement on an accidental disability retirement allowance, the member's allowance shall be computed on the basis of the provisions of this chapter applicable to the classification at retirement.

9 Study Authorized. The house executive departments and administration committee is hereby authorized to study all aspects of the qualifications for and the positions which should be included in group II of the New Hampshire retirement system. The committee shall file a report together with any proposed legislation on or before October 1, 1987, with the general court.

10 Repeal. The following are repealed:

I. RSA 100-A:32, relative to the transfer of conservation officers from group I to group II.

II. RSA 100-A:36-c, relative to the transfer of state prison employees to group II.

11 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

As amended, this bill redefines permanent policeman and permanent fireman, and adds the definition of correctional line personnel, for purposes of membership in the New Hampshire retirement system.

The bill authorizes any county which participates in the retirement system, by affirmative vote of the county convention upon recommendation of the county commissioners and the executive committee, to transfer from group I to group II permanent correctional line personnel of the county who are defined under this bill as permanent policemen under the retirement system.

The bill amends the current grandfather clause for a retirement system member whose employment position is changed in classification from one group to the other.

This bill also authorizes a study of group II of the New Hampshire retirement system by the house executive departments and administration committee.

Amendment adopted.

Referred to Appropriations.

HB 247-FN, relative to the workers' compensation advisory council. Inexpedient to Legislate.



The Committee believes that the structure of the present Advisory Council should not be changed and while it respects the experience and motivation of the sponsor in trying to improve the Council, does not believe the suggested changes address the problems that exist. Vote 11-4. Rep. Lawrence J. Guay for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 387, relative to small employers. Majority: Inexpedient to Legislate. Minority: Re-Refer to Committee.

MAJORITY: This bill would have reduced from 10 to 3 the minimum number of employees the Public Employee Labor Relations Board may certify as an exclusive representative of a bargaining unit. The Committee found no compelling reasons for changing the existing method. The New Hampshire School Board Association and the New Hampshire School Administration Association concurred. Vote 13-4. Rep. Lawrence J. Guay for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: The minority, unable to agree with the 13 to 4 majority vote, recommends that the bill be re-referred to Committee. New Hampshire is the only State that requires a minimum number of employees to be in a public employee's bargaining unit. Workers covered under the National Labor Relations Act need only 3 people to have a bargaining unit, and this bill would extend the same right to our State's public workers. A recent decision by the New Hampshire Supreme Court will limit the current practice of the PELRB of liberally defining the "community of interest" in defining bargaining units. In light of that decision, the minority feels the Committee should examine the bill over the next year. Rep. Robert R. Cushing, Jr., for the Minority of Labor, Industrial and Rehabilitative Services.

Rep. Cushing spoke to the report and yielded to questions.  
Reps. David Young and Jean spoke to the report.  
Resolution adopted.

HB 465, relative to the protection of employees who report violations of law or refuse to execute illegal directives. Ought to Pass.

The majority of the Labor Committee felt this piece of legislation clearly and concisely dealt with the problem of "whistle-blowers." Under this statute any employee can report an illegal act or refuse to commit an illegal act, without fear of retaliation from his/her employer. This is similar to whistle-blowers' protection acts passed in a number of states, including Maine and Rhode Island. Vote 10-6. Rep. David A. Young for Labor, Industrial and Rehabilitative Services.

Reps. Cushing and David Young spoke to the report.  
Ordered to third reading.

HB 472, relative to the siting of manufactured housing. Ought to Pass.

This bill was very controversial; in Committee, however, the vote was 11-6 in favor and it felt it had covered the subject matter very completely and listened and answered all of the pros and cons. Rep. Thomas P. Magee for Municipal and County Government.

Ordered to third reading.

HB 531-FN, establishing a Portsmouth fire commission. Re-Refer to Committee.



It was felt that the report and action by the Portsmouth Charter Commission should come in first before action by the Legislature in creating a fire commission for the city of Portsmouth. Vote 14-4. Rep. Frank E. McIntire for Municipal and County Government.

Rep. Vaughn moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Re-Refer to Committee, spoke to his motion and yielded to questions.

Rep. McIntire spoke to the motion.

Reps. Weddle and Ezra Mann spoke against the motion.

Motion lost.

Report adopted.

HB 549-FN, enabling cities and towns to establish land banks.

Re-Refer to Committee.

The sponsor of this bill requested that it be re-referred to Committee. He wants more time to study and rewrite sections of the bill. Vote 13-5. Rep. John S. Barnes, Jr. for Municipal and County Government.

Report adopted.

HB 566-FN, relative to the time for making property tax assessments.

Re-Refer to Committee.

The Committee feels the concept may have merit, but feels it prudent to proceed slowly in considering changes to property tax assessments. Vote 15-3. Rep. Richard A. Grodin for Municipal and County Government.

Report adopted.

HB 682-FN, establishing a procedure for enforcing the payment of parking fines. Ought to Pass.

This is permissive legislation that would allow municipalities to adopt provisions to enforce parking violations. In municipalities that adopt these provisions, no motor vehicle permit can be issued if the clerk's records indicate outstanding parking violations. Vote 14-3. Rep. George M. West for Municipal and County Government.

Ordered to third reading.

HB 690-FN, relative to towns and cities which require an assisted person to work for the town or city. Inexpedient to Legislate.

The Committee feels that this matter should be left to the towns, to do what is best for the towns' individual needs. Also, it could raise a budget problem by putting further burden on same. Vote 16-1. Rep. Ruth E. Gage for Municipal and County Government.

Resolution adopted.

HB 133-FN, relative to sunset review of state liquor commission - merchandising. Ought to Pass with Amendment.

The Committee reviewed the reports on the Liquor Commission made by the Sunset Committee and the Touche-Ross report of 1984. The Committee felt that the Commission has taken positive steps to implement many of the Touche-Ross recommendations, the most important being the development of a management training program with the University of New Hampshire. The Committee will review the Touche-Ross report again in 1988. The Sunset report contained 31 recommendations which were all considered closely. The changes made in the amendment to this bill are results of that report and are as follows:

- (1) Creating of a director of operations position
- (2) Assigning the responsibilities of the director of merchandising, marketing and stores into 2 positions
- (3) Redefining the accountants' responsibilities and to whom they are responsible
- (4) Revising the 10-day credit law on beer as the Committee promised in its report on HB 182, so that a permittee's license will not be revoked
- (5) Allowing the issuance of licenses and permits on a year-round basis, instead of all 2000 plus on May 31 annually
- (6) Amending several obsolete statutes
- (7) Allowing issuance of vehicle permits per license instead of per vehicle
- (8) Making several temporary statutes permanent on special licenses and wine pricing.

There will be additional changes made through the development of an enforcement policy and manual; a warehousing and bailment study and Regulated Revenues review of license and permit costs. These changes will be made through budget actions or later legislation. Vote 18-0. Rep. James D. Phelps for Regulated Revenues.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to sunset review of state liquor commission - merchandising  
and relative to the state liquor commission.

Amend section 1 of the bill by replacing it with the following:

1 Sunset; State Liquor Commission - Merchandising Renewed. The state liquor commission - merchandising, PAU 021304 (formerly state liquor commission - stores, PAU 021303), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing all after section 2 with the following:

3 Change of Expiration Date; Vendor License. Amend the introductory paragraph of RSA 175:3-c to read as follows:

175:3-c Vendor License. Any liquor company desiring to sell liquor other than wine governed by RSA 178-A shall register to do business with the commission and obtain a liquor vendor's license. A liquor company shall be defined for the purpose of this section as a firm, partnership, association, or corporation including any of its subsidiaries. Said license shall expire annually on [May 31] the last day of the month of the incorporation or other organization of the liquor company and shall be renewed annually by the commission, upon application, unless the commission finds, after notice and hearing, that the renewal thereof would be against the public interest. The annual fee for a liquor vendor's license shall be:

4 Expiration Date. Amend RSA 175:4 to read as follows:

175:4 Expiration Date of Licenses and Permits. All licenses and permits, other than special permits, issued under the provisions hereof shall expire [May thirty-first of each year] on the last day of the month of the licensee's birthday or, when the licensee is not a natural person, on the last day of the month of the licensee's incorporation or other

organization, unless sooner revoked for cause by the commission. [The fee for any permit or license issued after April first of the licensing year shall be one-half the annual fee for such permit or license.]

5 Liquor Representative License; Expiration. Amend RSA 175:15 to read as follows:

175:15 Liquor Representative License. A liquor representative's license shall authorize the holder thereof to offer for sale or solicit orders for the sale of any liquor, except wine covered by RSA 178-A, if the vendor of such liquor is the holder of a manufacturer's or vendor's license or certificate. The annual fee, due [May 31,] on the last day of the month of the licensee's birthday or, when the licensee is not a natural person, on the last day of the month of the licensee's incorporation or other organization, shall be \$50 for each liquor representative. The commission shall approve all applications for licenses authorized under this section unless it shall have good cause not to approve one.

6 New Section; Expiration Date. Amend RSA 178 by inserting after section 10 the following new section:

178:10-a Expiration of Licenses. All licenses issued pursuant to this chapter shall expire on the last day of the month of the licensee's birthday, unless revoked by the commission for cause. When the licensee is not a natural person, all licenses issued pursuant to this chapter shall expire on the last day of the month of the licensee's incorporation or other organization.

7 Change of Expiration Date. Amend RSA 178-A:8 to read as follows:

178-A:8 Expiration of Licenses. All licenses, certificates, and permits issued pursuant to this chapter shall expire [May 31 following the date of issuance thereof] on the last day of the month of the licensee's birthday. When the licensee is not a natural person, all licenses, certificates, and permits issued pursuant to this chapter shall expire on the last day of the month in which such licensee was incorporated or otherwise organized. Said licenses, certificates, and permits shall be renewed by the commission annually unless the commission finds, after notice and hearing, that the renewal thereof would be against the public interest.

8 Domestic Wine Manufacturer; License; Expiration. Amend RSA 178-B:3 to read as follows:

178-B:3 Fee. Notwithstanding the provisions of RSA 178-A:9, each manufacturer of domestic wines shall pay an annual license fee of \$750 for the manufacturer, sale and distribution of domestic wines within or without the state. Such fee shall be due annually on the last day of the month of the licensee's birthday or, when the licensee is not a natural person, on the last day of the month of the licensee's incorporation or other organization. This fee shall be in lieu of all other fees imposed by this title, except as provided in RSA 178-B:5, IV.

9 Change of Expiration Date. RSA 181:16 is repealed and reenacted to read as follows:

181:16 Fees; Expiration Dates.

1. The annual fees required for each permit issued pursuant to the provisions of this chapter shall be as follows:

- (a) On-sale permit, \$262.50.
- (b) Off-sale permit, \$150.
- (c) Manufacturer's permit, \$1,125.
- (d) Wholesaler's permit, \$1,125.
- (e) Solicitor's permit, \$15.
- (f) Vehicle permit, \$1.50.
- (g) Carrier permit, \$75 plus \$1.50 for each vehicle employed in the transportation of alcoholic beverages within the state.
- (h) Vessel permit, \$75 per vessel.
- (i) Dining-car permit, \$150, which shall be issued to the railroad corporation.

(j) Special permit, \$1.50.

II. The required fee shall accompany the application.

III. A permit, other than a special permit, shall expire on the last day of the month of the licensee's birthday. When the licensee is not a natural person, all permits, other than special permits, issued pursuant to this chapter shall expire on the last day of the month in which such licensee was incorporated or otherwise organized. Any permit may be revoked prior to its expiration date by the commission for cause.

IV. Permits shall not be transferred except with the consent of the commission. Each permit, except a solicitor's permit, shall designate the place of business for which it is issued. When transferred, a permit shall, unless revoked for cause by the commission, remain valid, pursuant to RSA 181:16, III, until the date on which such permit would have expired had it not been transferred. The initial renewal of any such transferred permit shall be effective until the last day of the month of the licensee's birthday. When the licensee is not a natural person, the initial renewal of any such transferred permit shall be effective until the last day of the month in which such licensee was incorporated or otherwise organized. The fee for the initial renewal of any such transferred permit shall be prorated. Subsequent renewals of transferred permits shall each be effective for one year, unless revoked for cause by the commission.

10 Prohibited Sales. Amend RSA 175:6 to read as follows:

175:6 Prohibited Sales. No licensee, sales agent, nor any other person, shall sell or give away or cause or permit or procure to be sold, delivered or given away any liquor or beverage to a person under the age of 21 years [, to an habitual drunkard, to an insane person,] or to a person under the influence of liquor [, or to any other person to whom any court, selectman of a town, chief of police, overseer of public welfare or the commission shall prohibit sale]. In no case shall any section of this title be so construed as to permit sale of liquor or beverages in any so-called saloon or speakeasy.

11 Restrictions on Sales; Costumers. Amend RSA 176:11 to read as follows:

176:11 Rules and Regulations; Restrictions on Sales. Said commission shall have the power to make all necessary and proper rules and regulations for carrying out the provisions hereof, and such rules and regulations shall have the effect of law. No sale of beverages shall be made on Sunday by reason of permits issued to manufacture beverages or to sell beverages to other permittees under the provisions of RSA 181:8 or RSA 181:9. [Liquor or beverages shall not be sold in any establishment where booths that are not open at the end are used for serving patrons. Costumers may be erected and attached to the ends of booths. Such costumers shall be of such design and constructed in such manner as approved by the commission.]

12 Suspension or Revocation; Price Violations. Amend RSA 178:11 to read as follows:

178:11 Suspension or Revocation. It shall be the duty of the commission to cause frequent inspections to be made of all the premises with respect to which any license or permit shall have been issued under the provisions of this title. If any licensee or permittee violates any of the provisions of this chapter or any of the rules and regulations of the commission promulgated pursuant thereto or fails to superintend in person or through a manager approved by the commission the business for which the license or permit was issued or allows the premises with respect to which the license or permit was issued to be used for any unlawful, disorderly or immoral purposes or knowingly employs in the sale or distribution of liquor or beverages any person who has been convicted of a felony or otherwise fails to carry out in good faith the purposes hereof, the license or permit of such licensee or permittee may be suspended by the commission without hearing, and may be revoked after notice and



hearing. [The commission may investigate the prices charged for liquor and beverages by licensees and permittees. The commission may revoke or suspend the license of any licensee or the permit of any permittee if it finds after notice and hearing that the profit made from the sale of liquor or beverages by such licensee or permittee is unreasonable and excessive.]

13 Transportation; License; Vehicle. Amend RSA 178-A:15 to read as follows:

178-A:15 Transportation. A person may transport or deliver wine in this state without a permit therefor provided said wine was obtained as authorized by this chapter and provided such wine is for consumption only and not for resale purposes. Licensees may transport and deliver to their place of business wine purchased as authorized under this chapter, and, may transport and deliver anywhere in the state wine ordered from and sold by them in vehicles operated under the control of themselves or of their employees or agents; provided that the owner of such vehicles shall have obtained from the commission [, for such vehicle,] a vehicle permit for the transportation and delivery of wine. Every person operating such a vehicle when engaged in such transportation or delivery shall carry the vehicle permit [for the vehicle so operated], or a copy thereof, and shall carry such evidence as the commission by regulation may prescribe showing the origin and destination of the wine being transported or delivered. Upon demand of any law enforcement officer, agent or employee of the commission, the person operating such vehicle shall produce for inspection the vehicle permit and the evidence required by this section. Failure to produce such permit or evidence shall constitute prima facie evidence of unlawful transportation. Except as otherwise provided herein wine may be transported within the state only by railroad or steamboat corporation or a person regularly and lawfully conducting a general express or trucking business, and in each case holding a valid carrier's permit issued by the commission. Nothing in this section shall prohibit individual retail licensees from arranging for the delivery of wine products to a location central to the parties involved.

14 Vehicle Permits. Amend RSA 178-A:16 to read as follows:

178-A:16 Vehicle Permits. Vehicle permits shall authorize the permittee to transport and deliver beverages ordered from and sold by the commission in vehicles operated under the control of himself or of his employee or agents. [Each vehicle shall have a separate permit.]

15 Carrier Permits. Amend RSA 178-A:17 to read as follows:

178-A:17 Carrier Permits. Carrier permits shall authorize the permittee to transport and deliver beverages. [A separate permit shall be required for each vehicle, car or boat used by the carrier.]

16 Rulemaking; Table Wines. Amend RSA 178-A:21, II, to read as follows:

11. A schedule of hours and procedures by which table wines may be purchased [for resale by holder of retail wine licenses at a discount price of 25 percent less than the regular retail price at the state liquor stores] at the discount price for resale by holders of retail wine licenses at 15 percent less than the regular retail price in the liquor stores and 20 percent less than the regular price F.O.B. at the warehouse.

17 Expiration of Licenses Renewed or Issued in May 1987; Rulemaking. The liquor commission shall adopt rules pursuant to RSA 541-A relative to bringing the expiration dates of certificates, licenses, and permits issued pursuant to RSA 175, 178, 178-A, 178-B and 181 into compliance with sections 3-9 of this act by July 1, 1988. Such rules may provide for pro-rating the fees charged licensees, permittees, and holders of certificates.

18 Price of Wine; No Restrictions. Notwithstanding RSA 178-A:4, I, until June 1, 1988, there shall be no restrictions on the retail price of wine sold under RSA 178-A.



19 Repeal. The following are repealed:

1. RSA 181:13, relative to prohibiting the sale of beverages on trains at terminal stations and the sale of beverages on passenger vessels while in port.

11. 1983, 388:7, as amended by 1985, 67:2, relative to licenses to clubs incorporated under the laws of this state or which are affiliated with any national fraternal organization.

20 New Paragraph; Director of Operations; Established. Amend RSA 176 by inserting after section 7-a the following new section:

176:7-b Director of Operations.

I. The commission shall nominate a director of operations for appointment by the governor, with the consent of the council. The director of operations shall serve a term of 4 years. Any vacancy shall be filled for the unexpired term. The salary of the director of operations shall be as specified in RSA 94:1-a.

II. The director of operations shall assist the commissioners in the planning and operation of the liquor commission, except with regard to licensing and enforcement. The director of marketing and merchandising, the director of store operations, the director of financial reporting and analysis, the director of data processing, and the director of warehousing and transportation shall report directly to the director of operations. The director of operations shall meet at least once each week with the commission. In addition, the director of operations shall:

(a) Prepare, with the assistance of the managers, strategic and annual business plans, including the appropriation request.

(b) Supervise planning of distribution channels and warehouse and store location to maintain a high level of customer service at an economical cost.

(c) Negotiate contracts on behalf of the liquor commission.

(d) Prepare and suggest organizational policies and procedures for adoption by the liquor commission.

(e) Monitor performance against plans and take appropriate corrective action.

(f) Recruit qualified people for work with the liquor commission.

(g) Formulate pricing, advertising, and promotional policies for adoption by the liquor commission.

(h) Oversee market research.

(i) Oversee the development of new systems and their continuing enhancement.

21 Salary; Director of Operations. Amend RSA 94:1-a, I by inserting in Group P the following:

Director of operations, liquor commission.

22 Director of Marketing and Merchandising, Establishment. Amend RSA 176:7-a, II to read as follows:

II. There shall be a director of marketing[, and merchandising[, and store operations] who shall have such labor grade as may be determined by the [department] division of personnel [and who shall be responsible for the store operations of the commission including, but not limited to, marketing, merchandising, and store operations]. He shall report directly to the [commission] director of operations. The director of marketing and merchandising shall be responsible for sales promotions, mark-up recommendations, advertising and listing and delisting of products to maximize profits for the state. The director of marketing[, and merchandising [and store operations] shall recommend sales to promote competitive position, coordinate in-store promotion with advertising programs, recommend to the [commission] director of operations the delisting of products not meeting gross profit levels and the listing of products that will maximize profits to the state[, control expenditures within appropriated funds, recommend changes in store locations and hours, and plan store activities to provide maximum customer

service and sales and advertising]. The director shall be responsible for recommending, in writing, to the [commission] director of operations, the listing and delisting of products with justifiable, written reasons for the recommendation. All requests for listings and delistings of products shall be made to the [commission to the attention of the chairman] director of operations in writing, and shall be referred to the director of marketing[, ] and merchandising [and store operations] for a recommendation. All recommendations for listings shall be forwarded to the [commission] director of operations in writing by the director of marketing[, ] and merchandising [and store operations]. The commission shall then approve or disapprove the recommendation, stating the reasons in writing. An applicant may appeal to the commission, in writing, any negative decision. [Additionally, the director of marketing, merchandising, and store operations shall be responsible for sales promotions, mark-up recommendations and advertising.]

23 New Paragraph; Director of Store Operations; Establishment. Amend RSA 176:7-a by inserting after paragraph 11 the following new paragraph.

II-a. There shall be a director of store operations who shall have such labor grade as may be determined by the division of personnel and who shall be responsible for store operations. He shall report directly to the director of operations. The director of store operations shall:

- (a) Recommend changes in store locations and hours.
- (b) Plan store activities to provide maximum customer

service.

(c) Maximize revenues by promoting the most efficient operation of stores.

(d) Coordinate the flow of information and reports between the director of operations and the store managers.

(e) Work with the director of marketing and merchandising so as to help formulate and implement the most effective sales, promotional, and marketing techniques.

24 Director of Warehousing and Transportation; Report to Director of Operations. Amend RSA 176:7-a, 111 to read as follows:

III. There shall be a director of warehousing and transportation who shall have such labor grade as may be determined by the department of personnel and who shall be responsible for the warehousing and transportation functions of the commission. The director of warehousing and transportation shall develop plans to operate warehouses in the most efficient manner, maintain traffic rate information, develop security measures to minimize loss of inventory and make recommendations to the [commission] direction of operations for improvements in material handling and purchasing. The director of warehousing and transportation shall report directly to the director of operations.

25 Director of Data Processing and Accounting; Report to Director of Operations. Amend RSA 176:7-a, 1V to read as follows:

IV. There shall be a director of data processing and accounting who shall have such labor grade as may be determined by the [department] division of personnel and who shall be responsible for the data processing activities and accounting systems of the commission. The director of data processing and accounting shall maintain records to assure fiscal and inventory control, prepare reports as required by the commission, design a and implement internal security procedures to minimize losses to the state, gather and consolidate information for budgetary and other purposes, and recommend to the [commission] director of operations improvements in the commission's hardware and software as may be needed to keep the system current with industry. The director of data processing and accounting shall report directly to the director of operations. Such reports shall include, on a regular basis:

(a) The results of sales, post-offs, and other sales promotions.

(b) An analysis of the profitability of each item listed for sale by the commission.

26 Director of Financial Reporting and Analysis; Establishment. Amend RSA 176:7-a by inserting after paragraph V the following new paragraph:

VI. There shall be a director of financial reporting and analysis who shall have such labor grade as may be determined by the division of personnel and who shall be responsible for all financial functions, including preparations for monthly and annual financial reports, including analyses of the results of operations. The director of financial reporting and analysis shall:

(a) Assist the director of operations in financial planning, budgeting, and appropriation request preparation.

(b) Install and maintain records to assure fiscal and inventory control.

(c) Maintain financial records for each store which shall show such stores operating costs and profitability.

(d) Report directly to the director of operations.

27 New Paragraph; Suspension for Non-Payment Prohibited. Amend RSA 181:23 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding the provisions of RSA 178:11, no on-sale or off-sale permittee who is delinquent under paragraph I of this section shall have his permit suspended because of such delinquency.

28 Transition. The director of marketing, merchandising and store operations in office as of the effective date of this act shall become the first unclassified director of operations, as established by this act.

29 Effective Date.

I. Sections 3-9 shall take effect July 1, 1988.

II. Sections 10-19 shall take effect 60 days after passage.

III. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill, as amended, has the following effect:

I. Sections 1 and 2 renew the state liquor commission-merchandising for 6 years.

II. Sections 3-9 and 17 change the expiration date of liquor licenses to be the last day of the month of the licensee's birthday and, when the licensee is not a natural person, to the last day of the month of the licensee's incorporation or organization, and provide that the liquor commission shall adopt rules which shall conform the expiration date of liquor licenses to that change.

III. Section 10 deletes the prohibition against selling liquor or beverages to a habitual drunkard, to an insane person, or to any other person to whom any court, selectman, chief of police, overseer of public welfare, or the liquor commission has prohibited the sale of liquor.

IV. Section 11 deletes the prohibition against selling liquor or beverages in any establishment where booths, which are not open at the end, are used for serving patrons.

V. Section 12 deletes the authority of the liquor commission to investigate the prices charged for liquor and beverages and to suspend or revoke the license or permit of those who make unreasonable and excessive profits from the sale of such products.

VI. Sections 13, 14, and 15 provide that a separate vehicle and carrier permit need not be obtained for each vehicle a permittee uses to transport wine or beverages.

VII. Section 16 includes within the commission's rulemaking authority the duty to establish a schedule of hours during which and procedures by which table wines may be purchased at certain discount prices.

VIII. Section 18 provides that there shall be no restrictions on the price of non-domestic wine until June 1, 1988.

IX. Section 19:

(a) Repeals the prohibition against the sale of beverages on trains at terminal stations and the sale of beverages on passenger vessels while in port.

(b) Repeals the prospective repeal of a statute which authorizes the liquor commission to license certain clubs to set up a separate bar facility serving alcoholic beverages to private groups in a rental hall.

X. Sections 20-26, and 28, make several changes concerning the personnel appointed by the state liquor commission, including the creation of new positions.

XI. Section 27 provides that no on-sale or off-sale permittee who is delinquent under RSA 181:23 shall have his permit revoked because of such delinquency.

Amendment adopted.

Referred to Appropriations.

HB 652-FN, relative to wine importers, the delivery of wine, and a definition of "warehouse." Ought to Pass.

This legislation will allow wine importers to direct deliver their products to grocery stores as they now may to restaurants. The Liquor Commission will continue to process the orders and collect the revenues, but the passing of the product through the law warehouse is eliminated. The Commission has promised to implement this, but has failed to do so. The Regulated Revenues Committee feels this would encourage the distribution and promotion of the premium wines, a market that has yet to be developed. Vote 14-4. Rep. James D. Phelps for Regulated Revenues.

Referred to Appropriations.

HR 16, urging the United States Congress to permit the refund of public utility federal tax over collections. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority feels that HR 16 is duplicative in light of current legislation designed to address this matter. The excess deferred tax issue is but one small element of a comprehensive tax reform bill, which in the aggregate increases utilities' tax burdens. The current tax law specifically defines normalization and is entirely consistent with Generally Accepted Accounting Principles. Congress acted wisely in providing for the normalization of the reduction in the corporate income tax rate as provided in the Act by adopting the "average rate assumption method." The normalization of a utility's excess tax reserves under the average tax assumption method results in neither a windfall gain for utilities nor a windfall burden for customers. While returning the amounts attributable to the reduction in the income tax rate all at one time is a politically appealing way of providing a windfall to current customers, a majority of a utility's customers can benefit by the utility returning the funds over the remaining depreciable life of the related property. Therefore, spreading the benefit, as provided for by Congress, guarantees equitable treatment of customers, avoids step fluctuations in utility rates, and reduces the utility's needs to raise new capital by issuing new equity or debt and paying the cost of this new capital. The provision pertaining to the normalization of depreciation of public utility property for income tax purposes, which requires the gradual phasing out of "excess tax reserves," is sound and reasonable and should not be repealed. Vote 9-5. Rep. Vincent J. Palumbo for the Majority of State-Federal Relations.



MINORITY: Because of the reduction in the Federal corporate tax rate, New Hampshire utility ratepayers are owed over \$49 million in refunds of tax money collected from them by utility companies. The 1986 Tax Reform Act also prevents state utility commissioners and regulatory agencies from ordering refunds of these tax overpayments paid by all utility customers.

The Minority of the Committee sees no justification to permit utility companies to hold customers' money for up to 30 years at no interest. Many ratepayers cannot afford to make such interest-free loans to their telephone, electric, gas and water companies. Others would prefer to make their own investments and senior citizens may not be here 30 years in the future and will never get their refunds.

The Minority of the Committee also disagrees with this intrusion by the Federal Government into utility regulation.

Passage by Congress of legislation to repeal section 203 (e) of the 1986 Tax Reform Act will permit the New Hampshire Public Utilities Commission to consider refunds of ratepayers' \$49 million on a case by case basis. Rep. Richard J. Daschbach for the Minority of State-Federal Relations.

Rep. Parr moved that HR 16 be laid upon the table.  
Motion adopted.

HB 415, relative to motor vehicle weights. Inexpedient to Legislate. The intent of the bill is commendable, but it appeared that the condition exists in only a limited section of the State. The Committee suggests that areas where a problem develops should appeal to the Department of Safety to send scales and personnel to solve it. Scales in an area on frequent occasions would send the message that the weight law is being enforced. Vote 11-2. Rep. Irvin H. Gordon for Transportation.

Resolution adopted.

HB 440, relative to intrastate motor carriers. Ought to Pass with Amendment.

This bill was in response to a request by the Department of Safety for the purpose of bringing truck drivers engaged in intrastate commerce (exclusively) under the same requirements as interstate drivers. The Committee felt the request was reasonable inasmuch as in many cases size of trucks, loads and driving conditions are identical. Vote 10-1. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend RSA 266:72-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The drivers of all vehicles subject to the motor carrier rules who operate exclusively in intrastate commerce shall be subject to the medical examination, written tests, and road tests required by 49 C.F.R. sections 391.41, 391.31, 391.33, 391.35, and 391.37.

Amendment adopted.  
Ordered to third reading.

HB 462-FN, to provide New Hampshire Purple Heart recipients with special commemorative license plates. Ought to Pass with Amendment. This bill will give recognition to a deserving group of individuals without really creating a new category of plates. The Commissioner of



Safety has assured the Committee that he is confident he can answer this request to the satisfaction of all concerned. Vote 11-0. Rep. Richard L. Haynes for Transportation.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Special License Plates; Purple Heart Recipients. Amend RSA 261:86 to read as follows:

261:86 Special Number Plates for Motor Vehicles for Amputee, Paraplegic, [and] Totally Disabled Veterans and Purple Heart Recipients.

I. The department shall furnish a special number plate without charge for one motor vehicle owned by a veteran who because of being an amputee, or paraplegic, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, or who is evaluated by the United States veterans administration to be permanently and totally disabled from such service connected disability.

II. The director shall design and issue, with the approval of the commissioner, number plates to be used on motor vehicles owned by recipients of the Purple Heart medal. The director shall make one set of such plates available to any person who was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, IV, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be issued upon payment of the regular registration and number plate fees. For the purpose of this paragraph the director may utilize a number plate type issued under the provisions of this title with whatever modifications are necessary. Notwithstanding RSA 265:73 or any other law, any person who is issued a number plate under this paragraph shall not be entitled to free parking privileges provided for disabled veterans.

Amendment adopted.

Ordered to third reading.

HB 603-FN, relative to a legislative commission to establish motor vehicle fines and point assessments. Inexpedient to Legislate.

This bill would set up a joint legislative commission on motor vehicle penalties to establish fines and assess points for moving traffic violations following a public hearing. The bill directs the Director, Division of Motor Vehicles, to apply the points to determine habitually reckless and negligent drivers. The point system would also be used for insurers. The present point system has only been in effect for two months and has not had time to see if it works. A majority of the Committee felt it was not the proper time to make such a drastic change in the system of establishing fines, assessing points and the revoking of licenses. Vote 9-3. Rep. Irvin H. Gordon for Transportation.

Rep. Alf Jacobson moved that the words, Re-Refer to the Committee on Transportation, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Irvin Gordon spoke against the motion.

Motion lost.

Resolution adopted.

HB 107-FN, relative to sunset review of the department of revenue administration - community services. Ought to Pass with Amendment.

This bill renews the Municipal Services Division. The amendment clarifies the responsibilities of the Division for setting municipal tax rates and providing technical assistance to municipalities. 11

also establishes the procedures and requirements whereby a municipality may, upon a vote of its legislative body, opt to set its own tax rate. Vote 15-0. Rep. Marian R. Harrington for Ways and Means.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Sunset; Department of Revenue Administration - Community Services Renewed. The department of revenue administration - community services, PAU 010801 (formerly PAU 010901), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing section 3 with the following:

3 Setting Property Tax Rates. RSA 41:15 is repealed and reenacted to read as follows:

41:15 Property Tax Rates. The property tax rates of cities and towns shall be set in accordance with the provisions of RSA 21-J:34-38.

4 New Subdivision; Setting Property Tax Rates. Amend RSA 21-J by inserting after section 33 the following new subdivision:

#### Property Tax Rates

##### 21-J:34 Reports Required.

I. The governing body of each city, town, school district, and village district shall, by October 1 of each year, or such other date as the commissioner may establish by rule, submit the reports specified below to the commissioner of revenue administration. The commissioner shall adopt rules under RSA 541-A establishing the form and content of these reports.

II. The report filed by the governing body of each city and town shall certify the number of residents and total valuation of each class of property included in the inventory of residents and ratable estates. The report shall also certify the appropriations voted by the legislative body and the estimated revenues for the year.

III. The governing body of each school district and village district shall certify the appropriations voted by the appropriate legislative body and the estimated revenues for the year.

##### 21-J:35 Establishment of Tax Rates by Cities and Towns.

I. Each city or town may, by vote of its legislative body, authorize its governing body to establish independently its tax rate.

II. The tax rate shall include obligations related to municipal, school district, county, and village district appropriations. The municipal budget may provide for a surplus for emergencies, uncollected taxes, abatements, and other necessary and legal expenditures which may arise during the year.

III. The governing body of any city or town which elects to establish its own tax rate shall:

(a) Notify the commissioner in writing of this decision by June 1 of each year.

(b) Notify the commissioner of revenue administration of the rate established by December 1 of each year.

(c) Have its accounts audited annually by a certified public accountant or public accountant in accordance with the standards established under RSA 21-J:19, 111. A copy of this audit report shall be submitted to the commissioner within 30 days of receipt.

IV. By November 1 of each year the commissioner of revenue administration shall provide the governing body of each city or town which

has elected to independently establish its tax rate with copies of the reports filed under RSA 21-J:34 by the appropriate school district, county, and village district.

V. Any city or town which has elected to set its own tax rate under this section may, by vote of its legislative body, request that he commissioner of revenue administration establish its tax rate under RSA 21-J:36. In such cases, the city or town may not elect to establish independently its tax rate for 5 consecutive years.

21-J:36 Setting of Tax Rates by Commissioner.

I. The commissioner of revenue administration shall compute and establish the tax rate of each town, city, or unincorporated place which does not elect to authorize its governing body to establish the tax rate under the provisions of RSA 21-J:35.

II. To compute and establish the tax rates of towns, cities and unincorporated places under paragraph I, the commissioner shall examine the reports required under RSA 21-J:34 to ensure that:

(a) All appropriations have been made in a manner which is consistent with procedural requirements established by statute.

(b) No appropriations have been made which are prohibited by statute.

(c) All revenues have been estimated accurately and in a manner which is not prohibited by statute.

(d) All calculations are correct.

III. If the commissioner finds that appropriations were made in a manner which is inconsistent with statute he shall delete the appropriation or that portion in question.

IV. If the commissioner finds that the estimated revenues included are inaccurate or inappropriate he shall adjust the estimates in question.

V. The commissioner shall notify in writing the governing body of each city or town of the rate he has established. This notification shall include a detailed explanation of all changes made in the appropriations or revenue estimates submitted by the municipality or district in question.

VI. Any town, city, or unincorporated place which is dissatisfied with the tax rate set under this section may, within 10 days of notification, request an oral hearing on this matter before the commissioner of revenue administration. If such a request is made, the commissioner shall promptly schedule and conduct a hearing pursuant to rules he shall adopt under RSA 541-A. After hearing, the decision of the commissioner shall be final.

21-J:37 Penalty. If the certifications and reports required by RSA 21-J:34 are not made to the department of revenue administration on or before October 1, unless the time is extended by the department of revenue administration for just cause, the town for which the selectmen act shall pay to the state for its use of the sum of \$5 for each day's delay in making certification. The department of revenue administration shall notify each town of the total amount of penalty due and, if any town neglects for more than 30 days to pay the sum due, then the department of revenue administration shall instruct the state treasurer's office to withhold the sum due from moneys due to the town from the state. The provisions of RSA 44:2 shall apply to this section.

21-J:38 Service Exemptions Added to Appropriations. Selectmen and assessors shall total the amount to be credited to veterans upon their tax bills, when the same has been determined, and add the same to the total amount of appropriations voted by the town or city as certified to the commissioner of revenue administration under RSA 21-J:34, for the purpose of computing the tax rate.

5 New Paragraph; Technical Assistance Manual. Amend RSA 21-J:15 by inserting after paragraph III the following new paragraph:

IV. Developing, publishing, and revising a standard technical assistance manual for municipalities on finance and budget matters. This manual shall be distributed to all municipalities. The manual shall cover statutory requirements, administrative rules adopted by the commissioner, and advice and information for the use of municipalities. The manual shall distinguish between those provisions which municipalities must comply with and those elements which are advisory in nature.

6 Repeal. The following are repealed:

1. RSA 41:15-a, relative to penalties.

II. RSA 41:15-b, relative to service exemptions.

7 Effective Date.

1. Sections 1 and 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill renews the department of revenue administration - community services for 6 years.

As amended, this bill permits each city and town, by vote of its legislative body, to authorize to governing body to establish its tax rate independently of the department of revenue administration. A city or town which elects to set its own tax rate may, by vote of its legislative body, request the commissioner of revenue administration to establish its tax rate, in which case the city or town may not independently set its tax rate for 5 consecutive years.

Rep. Matson moved that the words, Re-Refer to the Committee on Ways and Means, be substituted for the Committee report, Ought to Pass with Amendment, spoke to his motion and withdrew his motion.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

Rep. Benton notified the Clerk that he wished to be recorded against HB 107.

(Speaker in the Chair)

HB 352-FN-A, relative to the return of revenue to cities and towns. Ought to Pass with Amendment.

This bill establishes the principle of revenue-sharing between the State and its municipalities. Each year the cities and towns would receive the same amount as in the preceding year, increased or decreased by one-half the percentage change in general fund revenues for the two preceding years, but not less than \$52 million. The distribution formula, with its hold harmless provision, is the one used in the current return of revenue provisions (RSA 31-A). Vote 15-0. Rep. Neal M. Kurk for Ways and Means.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Revenue Sharing. Amend RSA 31-A:1 to read as follows:

31-A:1 Return of Revenue. Commencing in 1970 and in each year thereafter, a portion of the general revenue of the state shall be returned to each city and town of the state. This shall be known as the state-municipal revenue sharing program.

Amend RSA 31-A:5, II1 and IV as inserted by section 3 of the bill by replacing them with the following:

111. The state treasurer is authorized to make estimated installment payments pursuant to subparagraphs I(a) or II(a) of this section based on prior year distributions, unaudited general fund revenue estimates, population estimates, and other estimated base data and to adjust subsequent installment payments made pursuant to subparagraphs I(b) or II(b) of this section to conform to actual revenues and base data.

IV.(a) Notwithstanding any other provision of law to the contrary, any city or town which has adopted a fiscal year ending in June is hereby authorized, at its option, to include as part of its revenue sharing distribution under this chapter for any fiscal year, ending on June 30, all or any part of the revenue sharing distribution installment due under this chapter on the July 15 next following the fiscal year in which the option is exercised, for tax rate setting purposes.

(b) The commissioner of revenue administration shall recognize said inclusion for purposes of his establishment and approval of the tax rate for such city or town, pursuant to RSA 21-J:3, XV, for each fiscal year such option is exercised.

(c) Any fiscal year city or town is authorized for each fiscal year in which it exercises such option to issue revenue anticipation notes in an amount not to exceed the amount of the July 15 payment and the maturity date of which shall not exceed 60 days from the receipt of the July 15 payment.

V. There is hereby appropriated for each fiscal year a sum sufficient to make the payments provided for by this chapter, or such other sum as the general court may appropriate. The governor is authorized to draw his warrant for said the sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Rep. Kurk spoke to the Committee report.

Referred to Appropriations.

HB 252-FN-A, reducing the rate of the business profits tax to 7.95 percent. Re-Refer to Committee.

This bill has received consideration by the Business Profits Tax Subcommittee as well as HB 369 and HB 669 described in the Consent Calendar. In order to insure that subject will be reviewed in the 1988 session, all three have been recommended Re-Refer to Committee. The reason for these recommendations is that the Committee feels that it needs further experience on the effect upon the State Revenue by the new Federal Tax Code. Vote 14-3. Rep. Frederick G. Ahrens for Ways and Means.

Report adopted.

HB 253-FN, increasing the percentage of the real estate transfer tax returned to the register of deeds or the county. Inexpedient to Legislate.

The 4 percent presently returned to the counties is looked upon as a fee to compensate for services rendered by county registrars. Analysis shows that the 4 percent rate more than covers present county collection costs. Vote 12-3. Rep. Robert H. Grip for Ways and Means.

Resolution adopted.

HB 304-FN-A, relative to simulcast racing. Ought to Pass.

The Committee agreed with the Regulated Revenues Committee to continue simulcast racing and to change the breakage distribution. Vote 10-5. Rep. Frederick G. Ahrens for Ways and Means.

Ordered to third reading.



HB 319-FN-A, establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers. Majority: Ought to Pass with Amendment. Minority: Ought to Pass.

MAJORITY: The majority of the Committee recognizes the increasing problem of substance abuse, and therefore, recommends funding of \$750,000 in 1988 and \$1.5 million in 1989 to provide support to alleviate this problem. These sums would be in addition to the Governor's recommendations contained in his request of February 12, 1987 as presented to the General Court. In fiscal year 1988 for Alcohol and Drug Abuse Prevention, the sums of \$2.6 million and in 1989 - \$2.7 million, as contained in the appropriate budgets. Additionally, the recently passed Federal Drug-Free Schools and Communities Act will provide New Hampshire with an estimated \$1.6 million or \$800,000 each year of the biennium. Therefore, the Committee feels with approximately \$6.9 million available for the ensuing biennium for Alcohol and Drug Abuse Programs, this is a reasonable increase in the financial support for these programs. Vote 13-3. Rep. Kathleen W. Ward for the Majority of Ways and Means. MINORITY: The minority feels that dedicated funds are necessary for this program. Previously, the Office of Alcohol and Drug Abuse Program has always been directed to go to Appropriations for increased funding and has lost out in the contest for general funds. This is an important state responsibility and should be met. Reps. Marian R. Harrington and Richard F. Ahern for Ways and Means.

#### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
making an appropriation for use in the prevention  
and treatment of alcohol and drug abuse and the  
rehabilitation of drug users.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes the increasing problem of substance abuse among the citizenry of New Hampshire and wishes to address this problem by providing support for efforts to alleviate this problem.

#### 2 Appropriation.

I. There is hereby appropriated the sum of \$750,000 for the fiscal year ending June 30, 1988, and the sum of \$1,500,000 for the fiscal year ending June 30, 1989, to the office of alcohol and drug abuse prevention. This appropriation shall be used only for alcohol and drug abuse education and prevention activities and for the treatment and rehabilitation of alcohol and drug abusers and shall be in addition to any other funds appropriated to the office for the biennium.

II. No more than 10 percent of this appropriation shall be expended upon the administrative costs of the office of alcohol and drug abuse prevention.

III. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

#### 3 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill appropriates \$750,000 for the fiscal year ending June 30, 1988, and \$1,500,000 for the fiscal year ending June 30, 1989, to the office of alcohol and drug abuse prevention to be used for the treatment and prevention of alcohol and drug abuse.

Reps. Emma Wheeler, Marian Harrington and Rehlander spoke against the amendment and yielded to questions.

Reps. Kurk and Stiles spoke in favor of the amendment.

Reps. Cowenhoven, Durant and Ward spoke to the amendment.

Reps. Wixson and Sytek spoke against the amendment.

A roll call was requested. Sufficiently seconded.

YEAS 85 NAYS 246

YEAS 85

BELKNAP: Brown, Dexter, Malcolm Harrington, Jensen and Locke.

CARROLL: Allard, Russell Chase and Saunders.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Horton and Marsh.

GRAFTON: Driscoll, Ezra Mann, Stewart and Ward.

HILLSBOROUGH: Ahrens, Alukonis, Barbara Arnold, Baker, A. Leslie Burns, Cowenhoven, Paul Dionne, Durant, Joseph M. Eaton, Grip, Robert Kelley, Kurk, Levesque, Paquette, Sallada, Schneiderat, Stiles, Vanderlosk, Watson and Wood.

MERRIMACK: James Chandler, Gilbreth, Gross, Hager, Hayes, Lewis, Nichols, Phelps, Provencal and Whittemore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Buco, Marilyn Campbell, Conroy, Feich, Fesh, Beverly Gage, Gosselin, Hoar, Roger King, Maurice MacDonald, Mace, Magoon, Malcolm, Palumbo, Parr, Sochalski, Vaughn and Welch.

STRAFFORD: Bates, Bernard, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Koromilas, Lachance, Pelley and Wilson.

SULLIVAN: Domin, Krueger, Peyron and Rodeschin.

NAYS 246

BELKNAP: Bowler, Richard Campbell, Golden, Hawkins, Holbrook, Maviglio, Pearson, Randall, Lawrence Richardson, Turner and Wixson.

CARROLL: Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers and Schofield.

CHESHIRE: Arnott, Blacketer, Clark, Cole, Corrigan, Daschbach, Jesse Davis, Delano, Doucette, Daniel Eaton, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Morse, Perry, Pierce, Ramsay, Sawyer, Schwartz and David Young.

COOS: Coulombe, Guay, Kilbride, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crystal, Dearborn, Denismore, Hammond, Michael King, Wayne King, Lougee, Rounds, Scanlan and Whitcomb.

HILLSBOROUGH: Baldizar, Bourque, Bowers, Buckley, Burkush, Champagne, Chretien, Cid, Cote, Cox, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, Domaingue, Donovan, Drolet, Dube, Ducharme, Dwyer, Clyde Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gagnon, Gelinas, Genest, Granger, Scott Green, Guilbert, Betty Hall, Marian Harrington,

Hatch, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Alice Knight, Korcoulis, Lanzara, Lefebvre, Long, Lown, Lozeau, Mason, Bonnie McCann, McKae, Messier, Moore, Morrisette, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Perham, Pignatelli, Price, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Routhier, Leonard Smith, Soucy, Sullivan, Tarpley, Turgeon, Emma Wheeler, Kenneth Wheeler, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Laurent Boucher, Cahill, Fillion, Fraser, Douglas Hall, Mary Holmes, Alf Jacobson, Kidder, Burton Knight, Lockwood, Merton Mann, Pantzer, Philbrick, Rehlander, Trombly, Tupper, West and Yeaton.

ROCKINGHAM: Blaisdell, Blanchard, Blanchette, William Boucher, Butler, Eunice Campbell, Carpenito, Cooke, Cressy, Cushing, Ellyson, Flanagan, Harry Flanders, John Flanders, Bert Ford, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Lovejoy, William F. McCain, McGovern, McKinney, Newell, Pantelakos, Pevear, Read, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Seward, Sherburne, Simon, Skinner, Splaine, Sytek, Tilton, Tufts, Warburton, Weddle, Wells, Woodward and Wright.

STRAFFORD: Appleby, Callaghan, Casey, Chamberlin, Albert Dionne, Jean, Sandra Keans, Kincaid, Kinney, Laurion, Martling, William McCann, McManus, Proulx, Spear, Swope, Ann Torr, Ralph Torr and Wall.

SULLIVAN: Brodeur, Cutting, D'Amante, Flint, Ingram, Lindblade, McKee, Schotanus and Sara Townsend, and the amendment lost.

Rep. Dykstra notified the Clerk that she wished to be recorded in favor of the amendment.

Reps. Messier and Ahern notified the Clerk that they wished to be recorded against the amendment.

Rep. Hounsell moved that the House reconsider its action whereby it killed the amendment to HB 319.

Rep. Blanchette spoke against the motion.

Rep. Hounsell spoke in favor of his motion.

A roll call was requested. Sufficiently seconded.

YEAS 119 NAYS 217  
YEAS 119

BELKNAP: Brown, Dexter, Holbrook, Jensen and Locke.

CARROLL: Aillard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell and Saunders.

CHESHIRE: Arnott, Jesse Davis, Delano, Irvin Gordon, Grodin, Miller, Ramsay and Sawyer.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Horton, Marsh and Purrington.

GRAFTON: Bennett, Driscoll, McAvoy, Stewart, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Barbara Arnold, Baker, Boutwell, A. Leslie Burns, Cowenhoven, Paul Dionne, Ducharme, Durant, Dykstra, Joseph M. Eaton, Grip, Hatch, Robert Kelley, Kurk, Levesque, Long, Paquette, Sallada, Schneiderat, Stiles, Vanderlosk, Watson and Wood.

MERRIMACK: Laurent Boucher, James Chandler, Fraser, Gross, Hager, Hayes, Mary Holmes, Kidder, Lewis, Nichols, Phelps, Provencal, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, William Boucher, Buco, Conroy, Drake, Feich, Fesh, Flanagan, John Flanders, Bert Ford, Beverly Gage, Gosselin, Hoar, Maurice MacDonald, Mace, Magoon, Malcolm, McKinney, Palumbo, Parr, Schmidtchen, Simon, Sochalski, Tufts, Welch and Wright.

STRAFFORD: Bates, Bernard, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Koromilas, Lachance, Laurion, Pelley and Wall.

SULLIVAN: Cutting, Krueger, Peyron and Rodeschin.

NAYS 217

BELKNAP: Bowler, Richard Campbell, Golden, Malcolm Harrington, Hawkins, Maviglio, Pearson, Randall, Lawrence Richardson, Turner and Wixson.

CARROLL: Kenneth MacDonald, McIntire, Powers and Schofield.

CHESHIRE: Blacketor, Clark, Cole, Corrigan, Daschbach, Doucette, Daniel Eaton, Frink, Hunt, LaMar, Matson, Morse, Perry, Pierce, Schwartz and David Young.

COOS: Coulombe, Guay, Kilbride, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Crystal, Hammond, Michael King, Wayne King, Lougee, Ezra Mann, Rounds and Scanlan.

HILLSBOROUGH: Ahern, Baldizar, Bourque, Bowers, Buckley, Burkush, Champagne, Chretien, Cid, Cote, Cox, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, Domainque, Donovan, Drolet, Dube, Dwyer, Clyde Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gagnon, Gelinas, Genest, Granger, Scott Green, Guilbert, Betty Hall, Marian Harrington, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Alice Knight, Korcouls, Lanzara, Lefebvre, Lown, Lozeau, Mason, Bonnie McCann, McRae, Messier, Moore, Morrisette, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Perham, Pignatelli, Price, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Routhier, Leonard Smith, Soucy, Sullivan, Tarpley, Turgeon, Emma Wheeler, Kenneth Wheeler, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Austin, Bardsley, Beaton, Cahill, Fillion, Gilbreth, Douglas Hall, Alf Jacobson, Burton Knight, Lockwood, Merton Mann, Pantzer, Philbrick, Renlander, Stio, Trombly, Tupper and West.

ROCKINGHAM: Blaiscell, Blanchard, Blanchette, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Cooke, Cressy, Cushing, Ellyson, Harry Flanders, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, William F. McCain, McGovern, Newell, Pantelakos, Pevear, Read, Ritzo, Rosencrantz, Sanderson, Seward, Sherburne, Skinner, Splaine, Sytek, Tilton, Vaughn, Walker, Warburton, Weddle, Wells and Woodward.

STRAFFORD: Appleby, Callaghan, Casey, Albert Dionne, Sandra Keans, Kincaid, Kinney, Martling, William McCann, McManus, Proulx, Spear, Swope, Ann Torr, Ralph Torr and Wilson.

SULLIVAN: Brodeur, D'Amante, Domini, Flint, Ingram, Lindblade, McKee, Schotanus and Sara Townsend, and reconsideration lost.

Rep. Dickinson moved that HB 319 be laid upon the table.

Motion lost.

Question now being on the adoption of HB 319.

Adopted.

Referred to Appropriations.

## RECESS

(Speaker in the Chair)

## INTRODUCTION OF GUESTS

Members of the Military Order of Purple Heart, guests of the House.

## COMMITTEE REPORTS (cont.)

Rep. Ezra Mann moved that HB 632, removed from the Consent Calendar be made the first order of business and spoke to his motion.

Motion adopted.

HB 632-FN, relative to the adoption of capital improvement facility fees. Ought to Pass.

This bill enables municipalities to impose a facility fee on all new construction that results both in real property improvement as well as capital improvement costs for the municipality. Vote 15-0. Rep. George M. West for Municipal and County Government.

Rep. William McCain spoke to the report.

Ordered to third reading.

HB 312, to legalize 2 town meetings held in Canaan. Inexpedient to Legislate.

This bill asks to legalize two special meetings; one meeting could qualify, but the second could not. Since the two could not be separated the whole bill was voted inexpedient. Vote 17-0. Rep. Frank E. McIntire for Municipal and County Government.

Rep. Scanlan moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Ezra Mann spoke in favor of the motion.

Motion adopted.

Rep. Scanlan offered an amendment.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

to legalize a town meeting held in Canaan.

Amend the bill by replacing section 1 with the following:

1 Town of Canaan. All acts, votes, and proceedings of the special town meeting in the town of Canaan held November 16, 1985 are hereby legalized, ratified, and confirmed.

Rep. Scanlan explained the amendment.

Amendment adopted.

Ordered to third reading.



HB 560-FN, authorizing municipalities to collect 13 months of taxes for each 12 month fiscal year. Inexpedient to Legislate.  
This bill would have granted the authority to mandate property taxes be prepaid without first addressing the issue with the taxpayers.  
Vote 18-0. Rep. Thomas P. Magee for Municipal and County Government.

Rep. Wright moved that the words, Re-Refer to the Committee on Municipal and County Government, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

A division was requested.

#### POINT OF ORDER

Rep. Rounds rose on a Point of Order.

Question now being on the adoption of the substitute motion.  
167 members having voted in the affirmative and 128 in the negative, the substitute motion was adopted.

HB 484, relative to placement and usage of electronic speed monitoring devices. Inexpedient to Legislate.

The Committee was not convinced that there is extensive abuse by police officers using radar and reporting incorrectly the speed which violators are traveling. Allowing a motorist to leave his vehicle to go to a cruiser to check radar reading can be dangerous on a heavily traveled highway. Equipment to provide motorists with digital readouts is likely to be installed in cruisers in the near future.  
Vote 12-0. Rep. Roger Stewart for Transportation.

Rep. Durant moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.  
Rep. Flanders spoke against the motion.

A division was requested.

123 members having voted in the affirmative and 187 in the negative, the motion lost.

Resolution adopted.

Rep. Pearson moved that HB 50-A, relative to replacing the Hampton beach seawall and making an appropriation therefor, be removed from the table.

Adopted.

Question now being on the adoption of HB 50-A, relative to replacing the Hampton beach seawall and making an appropriation therefor.

Rep. Parr offered an amendment.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to utilization of the Hampton parking  
meter revenues.

Amend the bill by striking out all after the enacting clause and replacing it with the following:

1 Fees for Parking Meters. Amend 1987, 3:3, II to read as follows:

II. Pursuant to RSA 216:3, the commissioner of the department of resources and economic development shall adopt rules, under RSA 541-A,

which set fees in a sufficient amount for all parking spaces and parking meters at Hampton Beach. The fees shall cover 50 percent of the payments authorized in paragraph I and the expenses generated by RSA 216:3[,I] as well as the amortization of principal and interest payments provided for by 1981, 565:6, and 1985, 409:11, II.

2 Beach Parking Facilities. RSA 216:3 is repealed and reenacted to read as follows:

216:3 Operation of Beach Parking Facilities. The department of resources and economic development shall operate, maintain, and manage the parking facilities at Hampton Beach, and shall be authorized to charge for the use of the parking facilities by meters or fees, whichever is determined most practical.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill, as amended, includes reference to previously bonded projects in 1981, 565:6 and 1985, 409:11,II, whose interest and principal were to be amortized out of the Hampton parking meter funds. These references were inadvertently omitted in the Hampton seawall bill enacted earlier this session.

Rep. Parr explained the amendment.

Amendment adopted.

Ordered to third reading.

#### RECONSIDERATION

Rep. Pearson moved that the House reconsider its action whereby it passed HB 708, relative to excess electric generating capacity.

Rep. Frederic Foss spoke to the motion.

#### POINT OF ORDER

Rep. Blanchette rose on a Point of Order.

Reps. Douglas Hall and Chambers spoke against the motion.

Rep. Hunt spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

Reps. Gross and Marilyn Campbell abstained from voting under Rule 16.

YEAS 135 NAYS 206

YEAS 135

BELKNAP: Richard Campbell, Hawkins, Holbrook, Pearson and Lawrence Richardson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Delano, Irvin Gordon, Grodin, Hunt, Morse, Perry, Pierce, Sawyer and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Horton, Marsh and Purrington.

GRAFTON: Adams, Bean, Bennett, Christy, Dearborn, Hammond, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Ward and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Boutwell, Bowers, A. Leslie Burns, Cowenhoven, Cox, Daigle, Drolet, Clyde Eaton, Fields, Granger, Grip, Hatch, Holden, Humphrey, Robert Kelley, Alice Knight, Kurk, Mason, Moore, Perham, Routhier, Sallada, Shriver, Steiner, Stiles, Ware, Watson, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Austin, Laurent Boucher, James Chandler, Fraser, Gilbreth, Hayes, Hess, Mary Holmes, Kidder, Lockwood, Nichols, Pantzer, Phelps, Stio and Whitmore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Cooke, Drake, Felch, Fesh, Flanagan, Haynes, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Mace, Malcolm, William F. McCain, Palumbo, Schmidtchen, Skinner, Sochalski, Sytek, Warburton, Welch, Woodward and Wright.

STRAFFORD: Appleby, Bates, Chamberlin, Dingle, Patricia Foss, Frechette, Jean, Kinney, Koromilas, Swope, Ann Torr and Wall.

SULLIVAN: Domini, Flint, Krueger, Lindblade, Peyron, Rodeschin and Schotanus.

## NAYS 206

BELKNAP: Bowler, Brown, Dexter, Golden, Malcolm Harrington, Maviglio, Turner and Wixson.

CARROLL: McIntire and Olimpio.

CHESHIRE: Arnott, Blacketer, Clark, Cole, Corrigan, Daschbach, Jesse Davis, Doucette, Daniel Eaton, Frink, LaMar, Matson, Miller, Ramsay and Schwartz.

COOS: Brady, Coulombe, Guay, Kilbride, Mayhew, Nelson and Theriault.

GRAFTON: Arnesen, Blair, Chambers, Copenhaver, Crystal, Densmore, Driscoll, Michael King, Wayne King, LaMott, Stewart and Howard Townsend.

HILLSBOROUGH: Barbara Arnold, Baker, Baldizar, Beaupre, Bourque, Buckley, Burkush, Champagne, Chretien, Cid, Cote, Cusson, Ann Derosier, Gerard Desrochers, William Desrosiers, Paul Dionne, Domaingue, Donovan, Dube, Ducharme, Dupont, Durant, Dwyer, Dykstra, Joseph M. Eaton, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Guilbert, Betty Hall, Marian Harrington, Healy, Chris Jacobson, Cornelius Keane, Keefe, Korcoulis, Lanzara, Lefebvre, Levesque, Long, Lown, Lozeau, Bonnie McCann, McRae, Messier, Morrisette, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Schneiderat, Leonard Smith, Soucy, Sullivan, Tarpley, Turgeon, Vanderlosk, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Cahill, Fillion, Hager, Douglas Hall, Alf Jacobson, Burton Knight, Lewis, Merton Mann, Philbrick, Provencal, Rehlander, Trombly, Tupper, West and Yeaton.

ROCKINGHAM: Blaisdell, Blanchard, Blanchette, William Boucher, Buco, Butler, Eunice Campbell, Carpenito, Conroy, Cressy, Cushing, Ellyson, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Elizabeth Greene, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, Lovejoy, Joseph MacDonald, Magoon, McGovern, McKinney, Newell, Pantelakos, Parr, Pevear, Read, Ritzo, Rosencrantz, Sanderson, Seward, Sherburne, Simon, Splaine, Tilton, Tufts, Vaughn, Walker, Weddle and Wells.

STRAFFORD: Bernard, Callaghan, Albert Dionne, Anita Flynn, Edward Flynn, Robert Jones, Sandra Keans, Kincaid, Lachance, Laurion, Martling, McManus, Proulx, Spear, Ralph Torr and Wilson.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Ingram, McKee, Normandin, Spaulding and Sara Townsend, and reconsideration lost.

## RECONSIDERATION

Rep. Keans moved that the House reconsider its action whereby it passed HB 472, relative to the siting of manufactured housing, and spoke to her motion.

Rep. Ezra Mann spoke against the motion.

Reps. Matson and Leonard Smith spoke in favor of the motion.

The Speaker requested a division.

243 members having voted in the affirmative and 89 in the negative the motion was adopted.

Question now being on the adoption of HB 472.

Rep. Gene Chandler moved that HB 472 be Re-Referred to the Committee on Municipal and County Government, spoke to his motion and yielded to questions.

Motion adopted.

## RECONSIDERATION

Rep. Leonard Smith moved that the House reconsider its action whereby it passed HB 632-FN, relative to the adoption of capital improvement facility fees, and spoke to his motion.

Motion lost.

## UNANIMOUS CONSENT

Rep. Chambers addressed the House by unanimous consent.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 26 at 1:00 p.m.

Adopted.

## LATE SESSION

## Third reading and final passage

HB 50-A, relative to utilization of the Hampton parking meter revenues.

HB 393, establishing the availability of the remedy of declaratory judgment to determine the coverage of a liability insurance policy in the federal district court.

HB 436, relative to insurance coverage for home health care.

HB 608-FN, relative to pooled risk management programs.

HB 613-FN, relating to security deposits of insurance companies.

HB 124-FN, relative to sunset review of the real estate commission.

HB 677-FN, relative to a staffing plan for the new central psychiatric facility and a staffing plan for the Glencliff home for the elderly and programs in New Hampshire hospital.

HB 578-FN, relative to unemployment compensation.

HB 671-FN, relative to disability benefits for firefighters.

HB 675-FN, relative to workers' compensation liens against uninsured motorist recoveries.

HB 687-FN, relative to eligibility for disability payments to injured workers.

HB 697-FN, relative to the definition of "wages" for workers' compensation purposes.

HB 702-FN, relative to workers' compensation medical and vocational rehabilitation benefits.

HB 312, to legalize a town meeting held in Canaan.

HB 228, legalizing certain town and district meetings.

HB 517, relative to assessments for sewer rental charges.

HB 556-FN, relative to recording fees.

HB 632-FN, relative to the adoption of capital improvement facility fees.

HB 379-FN, relative to public land preservation.

HB 437, relative to motorboat and jet ski operation.

HB 402, relative to habitual offenders.

HB 439, relative to child passenger restraints.

HB 492, relative to motor vehicle certificates of origin, joint ownership, and fraud.

HB 509, relative to boat maintenance or repair plates.

HB 582-FN, providing for regional conferences on highway related problems.

HB 640-FN, relative to motor vehicle license and registration fees, license plates and boat registrations.

HB 641, relative to various motor vehicle laws.

HB 686-FN, relative to farm plates.

HB 329-A, relative to estimated tax payments for railroads and public utilities.

HB 361-FN-A, redefining references to the United States Internal Revenue Code for purposes of the business profits tax.

HB 532, allowing real estate firms or brokers to establish interest-bearing trust accounts.

HB 723-FN, relative to licensing nondepository first mortgage bankers and brokers and relative to second mortgage home loans.

HB 112-FN, relative to sunset review of the board of chiropractic examiners.

HB 156-FN, relative to sunset review of the nurses registration board.

HB 526-FN, establishing a department of safety.

HB 570-FN, establishing a department of natural resources.

HB 573-FN, establishing a fire standards and training council within the department of postsecondary vocational-technical education.

HB 590-FN, relative to fees charged by licensing boards and creating a bureau of professional regulation in the division of public health services.

HB 465, relative to the protection of employees who report violations of law or refuse to execute illegal directives.

HB 682-FN, establishing a procedure for enforcing the payment of parking fines.

HB 440, relative to intrastate motor carriers.

HB 462-FN, to provide New Hampshire Purple Heart recipients with special commemorative license plates.

HB 107-FN, relative to sunset review of the department of revenue administration - community services.

HB 352-FN-A, relative to the return of revenue to cities and towns.

HB 304-FN-A, relative to simulcast racing.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 3:53 p.m.

RECESS



(Rep. Dickinson in the Chair)

SENATE MESSAGE  
REQUESTS CONCURRENCE

SB 153-FN, relative to planning for the long-range energy requirements of the state.

SB 143-FN, reestablishing an advisory committee on state economic development and local population growth.

SB 144-FN, establishing a joint promotional program for economic development, and making an appropriation therefor.

SB 132, relative to the appointment of the executive director of the department of fish and game.

SB 83, relative to distributing political campaign literature at polling places on election day.

SB 137, relative to voting in state and presidential primary elections.

SB 138, relative to sessions for correcting the checklist.

SB 139, relative to election law dates.

SB 208, adopting uniform commercial code article 2A - leases.

SB 224-FN, relative to licensing estheticians.

SB 67, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs.

SB 223-FN, authorizing a New Hampshire technical institute security force.

SB 211-FN, relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study committee.

SB 217-FN, relative to school administrative units.

SB 231-FN, relative to manufactured housing zoning.

SB 237-FN, relative to the controlled drug act.

SB 94, providing the legislative budget assistant with access to certain records.

SB 91, establishing a committee to evaluate the foundation aid formula.

SB 99-FN, establishing a study committee to determine whether the department of transportation has fully implemented the legislative directives of the general court.

SB 107-FN-A, relative to the New Hampshire state airport system plan and making an appropriation therefor.

SB 183-FN, relative to coverage for mental or nervous conditions.

SB 190-FN, relative to financial disclosure by appointed officials.

SB 101, relative to political campaign contributions by state employees.

SB 222-FN, relative to increased independence of the public utilities commission consumer advocate.

SB 238-FN, relative to bail reform.

SB 239-FN, relative to electronic privacy.

SB 111, relative to electing zoning board of adjustment members.

SB 147, relative to surety bonds.

SB 186-FN, establishing a current use assessment study committee.

SB 195-FN, relative to nonprofit housing projects and the Senior Citizens Housing Development Corporation of Claremont, Inc.

SB 229-FN, relative to health clubs.

SB 170-FN, relative to licensure of mental health professionals.

SB 2, mandating health insurance for alcoholism and drug dependency treatment.

SB 103, relative to motor vehicle license examinations.

SB 155-FN, relative to the collection of tolls on an incomplete turnpike highway system.

SB 157, relative to the relocation of toll booths or widening of access traffic arteries that are determined to be a major bottleneck to the motoring public.

SB 209-FN, relative to implementing national standards for specific information signs.

CACR 21, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court.

Rep. Lewis offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 153, 143, 144, 132, 83, 137, 138, 139, 208, 224, 67, 223, 211, 217, 231, 237, 94, 91, 99, 107, 183, 190, 101, 222, 238, 239, 111, 147, 186, 195, 229, 170, 2, 103, 155, 157 and 209 and CACR 21, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

#### INTRODUCTION OF SENATE BILLS and CACR

First, second reading and referral

SB 153-FN, relative to planning for the long-range energy requirements of the state. (Science, Technology and Energy)

SB 143-FN, reestablishing an advisory committee on state economic development and local population growth. (Resources, Recreation and Development)

SB 144-FN, establishing a joint promotional program for economic development, and making an appropriation therefor. (Commerce, Small Business and Consumer Affairs)

SB 132, relative to the appointment of the executive director of the department of fish and game. (Fish and Game)

SB 83, relative to distributing political campaign literature at polling places on election day. (Constitutional and Statutory Revision)

SB 137, relative to voting in state and presidential primary elections. (Constitutional and Statutory Revision)

SB 138, relative to sessions for correcting the checklist. (Constitutional and Statutory Revision)

SB 139, relative to election law dates. (Constitutional and Statutory Revision)

SB 208, adopting uniform commercial code article 2A - leases. (Commerce, Small Business and Consumer Affairs)

SB 224-FN, relative to licensing estheticians. (Executive Departments and Administration)

SB 67, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs. (Environment and Agriculture)

SB 223-FN, authorizing a New Hampshire technical institute security force. (Public Protection and Veterans Affairs)

SB 211-FN, relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study committee. (Resources, Recreation and Development)

SB 217-FN, relative to school administrative units. (Education)

SB 231-FN, relative to manufactured housing zoning. (Municipal and County Government)

SB 237-FN, relative to the controlled drug act. (Judiciary)

SB 94, providing the legislative budget assistant with access to certain records. (Legislative Administration)

SB 91, establishing a committee to evaluate the foundation aid formula. (Education)

SB 99-FN, establishing a study committee to determine whether the department of transportation has fully implemented the legislative directives of the general court. (Legislative Administration)

SB 107-FN-A, relative to the New Hampshire state airport system plan and making an appropriation therefor. (Transportation)

SB 183-FN, relative to coverage for mental or nervous conditions. (Commerce, Small Business and Consumer Affairs)

SB 190-FN, relative to financial disclosure by appointed officials. (Legislative Administration)

SB 101, relative to political campaign contributions by state employees. (Executive Departments and Administration)

SB 222-FN, relative to increased independence of the public utilities commission consumer advocate. (Commerce, Small Business and Consumer Affairs)

SB 238-FN, relative to bail reform. (Judiciary)

SB 239-FN, relative to electronic privacy. (Judiciary)

SB 111, relative to electing zoning board of adjustment members. (Municipal and County Government)

SB 147, relative to surety bonds. (Municipal and County Government)

SB 186-FN, establishing a current use assessment study committee. (Environment and Agriculture)

SB 195-FN, relative to nonprofit housing projects and the Senior Citizens Housing Development Corporation of Claremont, Inc. (State Institutions and Housing)

SB 229-FN, relative to health clubs. (Commerce, Small Business and Consumer Affairs)

SB 170-FN, relative to licensure of mental health professionals. (Executive Departments and Administration)

SB 2, mandating health insurance for alcoholism and drug dependency treatment. (Commerce, Small Business and Consumer Affairs)

SB 103, relative to motor vehicle license examinations. (Transportation)

SB 155-FN, relative to the collection of tolls on an incomplete turnpike highway system. (Public Works)

SB 157, relative to the relocation of toll booths or widening of access traffic arteries that are determined to be a major bottleneck to the motoring public. (Public Works)

SB 209-FN, relative to implementing national standards for specific information signs. (Transportation)

CACR 21, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court. (Legislative Administration)

RECESS

(Speaker in the Chair)

Rep. Maurice MacDonald moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 16

*Thursday, 26Mar87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rev. Kathryn Betournay, Associate Minister of the First Congregational Church in Concord.

O Gracious God, who gives us this day in which we live, and the tasks which we are to do, we ask Your blessing upon this session which is about to begin.

Help us to be concerned with the seriousness of what we do, and truthfully seek to do Your will.

Guide those who must make decisions which affect the lives of others who live in New Hampshire. Help them be especially aware of those who have exceptional needs, be they the poor, the homeless, the elderly, the children, or the institutionalized.

Sustain these lawmakers in valuing their work, and yet, in knowing that Your Eternal Law is still our wisdom and our truth.

Where power is invested in them, may You guide them to use it wisely. We pray according to the faith which we hold. Amen.

Rep. Christy led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Boisvert, Manus, Rounds and Dupont, the day, illness.

Reps. Schmidtchen, Magee, Patricia Foss, Russell Brown, Lemire, Cowenhoven, Musier, Gourdeau, Donna Kelly, Millard, Ritzo, Vaughn, Crystal, Gerald Smith, Proulx, Hardy, Perham, Nancy Ford, Kincaid, Buco, McIntire, Tufts, Arnott and Francis Robinson, the day, important business.

Reps. Joseph MacDonald and Walter, the day, illness in the family.

## INTRODUCTION OF GUESTS

Joanie Hodges, Conny Button, Nancy McQuade, Abby Lawrence and their children, guests of Rep. Saunders; Major Glenn Avery and Lt. Jeffrey Waddington of the Salvation Army, guests of Rep. Stio; Master Sergeant John H. Christy, his wife Marj and children, Jay and Tom, guests of Rep. Christy; Mrs. Austin, and her fourth grade students from Concord Christian School, guests of the House; Edward Pevear and Vern Colby, husband and guest of Rep. Pevear; Ines Ferriter and Dorothy Flint, guests of Rep. Flint; Adam Pignatelli, Toba Budnits and her son, Alex, son and guests of Rep. Pignatelli; Melissa Ayotte, Joy Barry, Stephanie Byrd, Michelle Grenier, Laurie Largy, Celeste Lavoie, Michele Leboeuf, Rebecca Shrigley, Chelle-Jane Stuart, Maryse Veilleux, members of the Nashua Senior High School Girls Basketball Team; their Head Coach, John Fagula; Assistant Coach, Sarah Rolfe; managers, Bethany Davis, Jennifer Davis and Christina McLaughlan; and principal, Stanley Stoncius, guests of the Nashua Delegation.

Reps. Winn and Keefe, for the Nashua Delegation, offered the following:

## HOUSE RESOLUTION NO. 29

commending the girls' varsity basketball team of Nashua High School.

WHEREAS, the girls' basketball team of Nashua High School, on February 21, 1987, defeated Londonderry High School, 60-38, to win the New Hampshire Class L State Championship, and earned the honor of being nationally ranked as the number one girls' team in the country, and

WHEREAS, that victory marked the end of a successful season in which the team won twenty-three consecutive games while not losing to any opponent, and

WHEREAS, that victory also marked the third consecutive year that the team was crowned Class L Champion, bringing the team's total of consecutive wins to sixty-nine over three seasons, which now stands as a New Hampshire interscholastic record, and

WHEREAS, the team, under Head Coach John Fagula and Assistant Coach Sara Rolfe, averaged an impressive eighty-five points per game, while yielding an average of only thirty-four points per game, and

WHEREAS, team members, led by Co-Captains Stephanie Byrd and Celeste Lavoie, throughout their championship season displayed unity of spirit that was marked by unselfishness and a strong desire to succeed, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that this historic achievement by the Nashua High School girls' basketball team be recognized and saluted, and be it further

RESOLVED, that the coaches and athletes be lauded for the dedication and hard work that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Nashua High School.

Unanimously adopted.

## ENROLLED BILL AMENDMENT

HB 162-FN, relative to sunset review of the board of tax and land appeals.

## Amendment

Amend the bill by replacing line 3 on page 1 with the following:

program shall terminate on July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error in the bill.  
Adopted.

## RECONSIDERATION

Rep. Hager moved that the House reconsider its action whereby it ordered to third reading HB 352, relative to the return of revenue to cities and towns, and spoke to her motion.

Adopted.

The Speaker referred HB 352 to Appropriations.

## SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the Rules be so far suspended as to permit consideration at the present time, after the deadline, of HB 728, relative to daylight savings time, without introduction, referral to



committee, public hearing, committee report and the required notice in the Calendar.

Rep. Palumbo spoke to the motion.

Adopted by the necessary two-thirds.

Reps. Palumbo and Chambers moved that HB 728, relative to daylight savings time, be adopted and ordered to third reading at the present time.

Adopted.

Ordered to third reading.

### Third reading and final passage

HB 728, relative to daylight savings time.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 87, relative to the confidentiality requirement for explosive licenses, was removed at the request of Rep. Keans.

Adopted.

### COMMITTEE REPORTS (Consent Calendar)

HB 120-FN, relative to sunset review of plumbers board. (A) Ought to Pass.

This is the sunset review that calls for per diem in the same amount as the Electricians' Board. The money is in the operating budget.

Vote 19-0. Rep. Paul I. LaMott for Appropriations.

HB 219-FN-A, establishing a shooting range in the state and making an appropriation therefor. Re-Refer to Committee.

The \$100,000 asked for in this bill was broad and undefined. The Committee wants the sponsors and the Fish and Game Committee to have time to be more specific as to the site for the range, its scope and its budget. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

Re-Referred to the Committee on Fish and Game.

HB 240-FN, relative to septic inspections on waterfront properties and relative to creating 3 new positions within the division of water supply and pollution control and making an appropriation therefor. (A) Ought to Pass with Amendment.

The amendment to this priority "clean water bill" corrects the amount appropriated so that the funds correlate with the effective date.

Vote 20-0. Rep. Elizabeth Hager for Appropriations.

### Amendment

Amend the bill by replacing section 5 with the following:

5 Appropriation. The following sums are hereby appropriated for the fiscal year ending June 30, 1988, and the fiscal year ending June 30, 1989, to the division of water supply and pollution control:

	FY 1988	FY 1989
10 Personal Services - Permanent	\$31,182	\$65,988
20 Current Expenses	3,900	8,100
30 Equipment	2,850	--
60 Benefits	6,548	14,517
70 In-state Travel	3,750	7,500
Total Expenses	\$48,230	\$96,105

Such funds shall be in addition to any other appropriations to the division of water supply and pollution control, department of environmental services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

HB 254-FN, relative to fish and game publications and miscellaneous retail items. Inexpedient to Legislate.

The money for this bill is in the budget, HB 300, therefore the bill is unnecessary. Vote 19-0. Rep. Laurent J. Boucher for Appropriations.

HB 288-FN-A, establishing an office of victim/witness assistance and making an appropriation therefor. (A) Ought to Pass with Amendment.

The bill appropriates \$34,732 per year which, when matched with an equal amount of federal funds, will permit the Attorney General to coordinate and provide assistance to victims and witnesses in criminal cases. The amendment deletes the section which might require counties to participate and expend money on the program. Vote 19-0. Rep. Caroline L. Gross for Appropriations.

#### Amendment

Amend RSA 21-M:8-a as inserted by section 1 of the bill by replacing all after paragraph II with the following:

III. The office of victim/witness assistance shall seek to coordinate efforts with the county attorneys and the various law enforcement agencies in the provision of information and services to victims and witnesses.

#### AMENDED ANALYSIS

This bill creates an office of victim/witness assistance within the criminal justice bureau of the department of justice. The office shall, in coordination with the county attorneys and law enforcement agencies, provide information and services to victims and witnesses in criminal cases prosecuted by the attorney general, and develop and coordinate a statewide victim/witness rights information program.

This bill appropriates to the department of justice \$34,732 for fiscal year 1988 and \$34,732 for fiscal year 1989 from the general fund to hire temporary personnel for the office of victim/witness assistance. These state appropriations are to be matched by federal funds.

HB 327-A, relative to funding for a pulp and paper technology program at the New Hampshire vocational-technical college at Berlin. (A) Ought to Pass.

This program is funded for the operation expense in HB 300 and this legislation allows for the necessary equipment and laboratory construction. The Public Works amendment reflects the private sector's contribution. Vote 21-0. Rep. Paul I. LaMott for Appropriations.

HB 364-FN-A, establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation therefor. (A) Ought to Pass with Amendment.

The amendment on this critically important bill just brings the appropriation into line with what needs to be spent. Vote 18-0. Rep. Elizabeth Hager for Appropriations.

## Amendment

Amend the bill by replacing all after section 1 with the following:

2 Additional Position Authorized. The department of environmental services is authorized to establish the following additional permanent position in the division of air resources: one air pollution control engineer II.

3 Appropriation. The following sums are hereby appropriated for the fiscal year ending June 30, 1988, and the fiscal year ending June 30, 1989, to the division of air resources for the purposes of this act:

	FY 1988	FY 1989
10 Personal Services - Permanent	\$27,729	\$28,977
20 Current Expenses	5,000	5,000
22 Rent and Leases	500	500
30 Equipment	18,000	5,000
40 Indirect Cost	4,597	4,844
60 Benefits	5,824	6,375
70 In-state Travel	2,000	2,000
80 Out-of-state Travel	500	500
92 Training	1,500	1,500
93 Computer Services	500	500
Total	\$66,150	\$55,196

This appropriation is in addition to any other funds appropriated to the division of air resources, department of environmental services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1987.

SB 73, to revive the charter of the First Congregational Church of Salem. Ought to Pass.

This bill permits the revival of the charter of the First Congregational Church of Salem. Vote 12-0. Rep. Elsie Vartanian for Constitutional and Statutory Revision.

SB 230-FN, reinstating the position of sealer of weights and measures in Nashua. Ought to Pass.

This bill is requested by the City of Nashua reinstating the position of Sealer of Weights and Measures. This will result in a savings to the Department of Agriculture. The Committee is annoyed by being told that enforcement of known violations reported to the Attorney General's Office by the Department of Agriculture have been uniformly ignored. Vote 16-0. Rep. Fernand A. Genest for Environment and Agriculture.

HB 194-FN-A, reducing the meals and rooms tax rate to 6 percent. Inexpedient to Legislate.

This bill was originally introduced to reduce the meals and rooms tax if the State's requirement could afford the reduction. This has not been the case, so the bill is inexpedient. Vote 14-0. Rep. Frederick G. Ahrens for Ways and Means.

HB 342-FN-A, providing funds for towns and cities and making an appropriation therefor. Inexpedient to Legislate.

The Committee had two bills on Revenue Sharing, HB 352 and this bill. The Committee decided that HB 352 better suited its desires. Vote 14-0. Rep. Frederick G. Ahrens for Ways and Means.

COMMITTEE REPORTS  
(Regular Calendar)

HB 250-FN-A, making an appropriation to the Conway village fire district and relative to funding waste water treatment systems. (A) Ought to Pass with Amendment.

This bill authorizes the Conway Village Fire District to complete the sewage facilities system as this project has continually moved down on the priority list. Vote 20-0. Rep. Robert G. Holbrook for Appropriations.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

making an appropriation to the Conway village fire district,  
authorizing the Conway village fire district to issue bonds,  
and relative to funding waste water treatment systems.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Policy. The general court finds that there shall be established a state policy for funding of waste water treatment systems in cities and towns and other subdivisions of municipal government under the following conditions:

- I. That construction on the project started prior to 1973.
- II. That a major portion of the project has been completed in good faith and in compliance with agreements made with state and federal agencies.
- III. That state and federal funds for construction have been terminated prior to completion of the agreed upon project.
- IV. That the project was moved from the priority list to the extended list maintained by the division of water supply and pollution control.
- V. That the deadline for final completion of such projects falls on a date prior to the date that funding from state and federal sources can be anticipated.

2 Conway Village Fire District. The sum of \$960,000 for the fiscal year ending June 30, 1988, is hereby appropriated to the Conway village fire district for the purposes of sewer treatment plant expansion, lagoon system expansion, and for interceptors. This appropriation shall be used to complete the treatment ability of the federal and state-funded sewage system begun in 1979. This appropriation shall be in addition to any other funds appropriated or allocated to the district by the state for water pollution control. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Bonds Authorized. The Conway village fire district is hereby authorized to issue bonds in an amount not to exceed \$320,000, with a 20 year maturity date, for the purposes of sewer treatment plant expansion, lagoon system expansion, and for interceptors. This bond issue shall be used to complete the treatment ability of the federal and state-funded sewage system begun in 1979. Notwithstanding any provision of RSA 33 or any other law to the contrary, such bonds shall be issued at the rate currently available for state bonds issued under RSA 6-A.

4 Appropriation; Matching Funds. The sum of \$256,000 is hereby appropriated to be expended in order to reimburse the Conway village fire district for a total of 80 percent of the cost of the bonds issued under section 3 of this act. The state of New Hampshire shall reimburse the

Conway village fire district on an annual basis until the maturity date of the bonds is reached. The sum appropriated in this section shall be a continuing appropriation and shall not lapse. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

As amended, this bill appropriates \$960,000 for the fiscal year ending June 30, 1988, to the Conway village fire district for the purposes of sewer treatment plant expansion, lagoon system expansion, and for interceptors. This appropriation will be used to complete the treatment ability of the federal and state-funded sewage system begun in 1979, now that federal funding for the project has ended.

As amended, the bill authorizes the Conway village fire district to issue 20 year bonds in an amount not to exceed \$320,000 for the purpose of funding the same waste water treatment system. The state is authorized to reimburse the district for 80 percent of the payments it makes on the bonds; and \$256,000 in nonlapsing funds is appropriated for that purpose.

As amended, the bill also encourages the establishment of a state policy through a statement of purpose relative to funding waste water treatment systems in certain cities and towns and other governmental subdivisions.

Amendment adopted.

Ordered to third reading.

HB 260-FN-A, providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor. (A) Ought to Pass.

Reconstruction of Prescott Road was provided for by an act of the 1985 session of the General Court. The Committee feels this bill provides more adequate funding and further permits participation by the Town of Raymond to complete this project. Vote 16-3. Rep. Robert A. Johnson for Appropriations.

Ordered to third reading.

HB 289-A, relative to criminal records and making an appropriation therefor. (A) Ought to Pass with Amendment.

This legislation, as amended, provides a system under which any person may request a record of any person's criminal convictions and grants the Director of the Division of State Police rulemaking authority to set fees for such service. As amended, the legislation appropriates the sums of \$14,299 for fiscal year 1988 and \$14,299 for fiscal year 1989 from the General Fund for this purpose. Vote 19-1. Rep. Philip H. Weymouth for Appropriations.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Appropriation. In addition to any other sums appropriated to the department of safety, division of state police, the sums of \$14,299 for the fiscal year ending June 30, 1988, and \$14,299 for the fiscal year ending June 30, 1989, are hereby appropriated for the purpose of carrying out this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.



## AMENDED ANALYSIS

This bill allows any person to request and receive from the director of the division of state police a record of any person's criminal convictions. This bill grants the director rulemaking authority to set the fee charged for a copy of a criminal record and to develop procedures for the compilation and release of the records.

This bill provides that the director of the division of state police shall submit the annual report on domestic assaults to the governor, as well as to the general court.

As amended, the bill appropriates the sums of \$14,299 for fiscal year 1988 and \$14,299 for fiscal year 1989 from the general fund for the purposes of this bill.

Amendment adopted.

Ordered to third reading.

HB 309-FN-A, relative to the Nansen ski jump and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill appropriates funds to repair the Nansen ski jump in Milan and then allows it to be sold. The amendment clears up a technical problem with the Tramway funds. Vote 15-4. Rep. Otto H. Oleson for Appropriations.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain Aerial Tramway Fund.

Amend section 3 of the bill by replacing it with the following:

3 Repeal. RSA 227:5, relative to the fund for the Cannon Mountain Aerial Tramway, is repealed.

4 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill, as amended, appropriates \$66,000 for the biennium to the department of resources and economic development for the rehabilitation of the Nansen ski jump facilities. The bill further authorizes the department to seek private sale or long term private leasing of this facility.

This bill repeals the Cannon Mountain Aerial Tramway Fund.

Amendment adopted.

Ordered to third reading.

HB 321-FN-A, creating the Connecticut River Valley resource commission and making an appropriation therefor. Ought to Pass with Amendment.

The Committee reaffirms the position of the Resources Committee and the House. The amendment allows the Commission to accept or solicit private donations. Vote 18-2. Rep. Jeffrey C. Miller for Appropriations.

## Amendment

Amend RSA 227-E as inserted by section 1 of the bill by inserting after RSA 227-E:6 the following new section:

227-E:6-a Private Donations. In addition to the authority granted in RSA 227-E:6, the commission may solicit and accept private donations for the purpose of this chapter.

Amendment adopted.

Ordered to third reading.

HB 667-FN, relative to salaries for unclassified employees in the department of safety. Ought to Pass with Amendment.

The Committee recognized the need for a correction of certain salaries of unclassified employees, but felt it best to review the total unclassified group salaries. The bill, as amended, calls for a study of the salaries for unclassified state employees and makes an appropriation of \$50,000 for the consultant services to do so. Vote 20-0. Rep. Howard C. Townsend for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

directing the legislative facilities committee to conduct a study of salaries for unclassified state employees, and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Unclassified Employees Study Authorized. The legislative facilities committee shall conduct an in depth study of salaries for all unclassified state employees. The committee is authorized to engage consultants to assist in this study. All state departments and agencies shall cooperate with the committee as may be required to complete this study. The members are authorized to receive legislative mileage in connection with their duties under this act. A report on the committee's findings and recommendations for legislation shall be made to the speaker of the house of representatives and the president of the senate on or before December 1, 1987.

2 Appropriation. There is appropriated to the legislative facilities committee the sum of \$50,000 for the fiscal year ending June 30, 1988, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

The bill, as amended, directs the legislative facilities committee to conduct a thorough study of the salaries of unclassified state employees. The committee is authorized to hire consultants to assist the committee.

The committee is required to submit a report to the president of the senate and the speaker of the house by December 1, 1987.

The bill appropriates \$50,000 to the legislative facilities committee for the purposes of the act.

Amendment adopted.

Ordered to third reading.

HB 700-FN, permitting group II members who reach age 65 to make an election for retirement benefits. Ought to Pass.

The bill amends RSA 100-A:5 to allow retirement benefits for Group II members at age 65 regardless of the number of years of service. This places Group II members on a parity with Group I members at age 65. It does not change the age 45 and 20-year service retirement entitlement for Group II members. Vote 16-3. Rep. John B. Hammond for Appropriations.

Ordered to third reading.

SCR 1, commemorating the Melvin Village Community Church in Tuftonboro. Ought to Pass.

Continuous service to the community for 150 years of a country well deserves commemoration. The majority of the Committee concurs. Vote 10-2. Rep. Gerard E. Powers, Jr. for Constitutional and Statutory Revision.

Rep. Wixson spoke to the report.

Ordered to third reading.

SB 87, relative to the confidentiality requirement for explosive licenses. Ought to Pass.

This legislation slightly relaxes the complete restriction on disseminating information on "who possesses a license to store and use explosives"; under SB 87, information on such licenses may be made known by the Commissioner of the Department of Safety, strictly on a "need-to-know" basis. Vote 14-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

Ordered to third reading.

Rep. Scamman, for the entire membership, offered the following:

#### HOUSE RESOLUTION NO. 30

celebrating Greek Independence Day.

WHEREAS, one of the greatest cultures in the world originated in Greece, and

WHEREAS, Greece has long been considered the birthplace of modern democracy, and

WHEREAS, Greece is the land from which came many of the ancient world's greatest leaders, thinkers and philosophers, including Alexander the Great, Pericles, Socrates, Plato and Aristotle, and

WHEREAS, Greece, through many millennia, has given the world so much beauty and so much that is of value, including Venus de Milo and the Olympic Games, and

WHEREAS, the New Hampshire House of Representatives has among its 400 members many men and women of Greek ancestry who, in the tradition of good government that was established in ancient Greece, carry out the democratic process that binds the people of the United States of America, and

WHEREAS, Greek Independence Day is annually celebrated on the 25th day of March, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Greek Independence Day be cause for celebration by the membership, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to those members of the body who are of Greek ancestry.

Unanimously adopted.

Rep. Ward presented the Ways and Means Revenue Report:

HOUSE WAYS AND MEANS COMMITTEE REPORT TO THE HOUSE OF REPRESENTATIVES

LBAD 03/24/87

## UNRESTRICTED REVENUE

	WAYS AND MEANS COMMITTEE				
	1986 ACTUAL	1987 CHAP 406, L'85	1987 REVISED	1988 ESTIMATE	1989 ESTIMATE
GENERAL FUND					
Beer	11,803,972	11,700,000	12,000,000	12,400,000	12,800,000
Board & Care	18,846,647	16,100,000	16,100,000	16,700,000	16,500,000
Business Profits Tax	110,695,280	103,100,000	139,000,000	142,000,000	145,000,000
Estate & Legacy Taxes	17,003,044	13,000,000	19,000,000	17,000,000	17,000,000
Insurance	26,343,101	22,200,000	32,000,000	33,000,000	34,800,000
Interest & Dividends Tax	24,699,509	26,700,000	26,700,000	27,600,000	28,500,000
Liquor	46,622,905	46,000,000	47,000,000	47,000,000	47,000,000
Meals and Rooms Taxes	62,138,657	69,500,000	69,500,000	76,000,000	83,000,000
Parks Income*	4,496,819	4,200,000	4,500,000	5,400,000	5,400,000
Dog Racing	8,189,003	7,300,000	8,000,000	8,190,000	8,190,000
Horse Racing	1,559,706	1,675,000	820,000	1,010,000	1,510,000
Real Estate Transfer Tax**	33,026,235	24,000,000	44,000,000	48,000,000	50,000,000
Telephone	9,998,938	10,000,000	8,000,000	8,000,000	8,000,000
Tobacco	32,731,033	31,700,000	32,000,000	31,000,000	30,000,000
Utilities	6,399,506	6,500,000	6,400,000	6,700,000	6,900,000
Other	27,108,843	32,500,000	28,000,000	30,420,000	31,620,000
Courts	17,773,298	16,200,000	18,000,000	19,900,000	21,000,000
Savings Bank Tax	7,775,179	8,000,000	8,000,000	8,500,000	8,800,000
Total	467,211,675	450,375,000	519,020,000	538,820,000	556,020,000
HIGHWAY FUND					
Gasoline Road Toll	69,619,076	71,219,795	78,330,000	81,800,000	85,100,000
Motor Vehicle Fees	40,513,871	37,900,136	45,000,000	46,500,000	48,000,000
Miscellaneous	3,925,571	1,371,400	3,000,000	3,000,000	3,000,000
TOTAL	114,058,518	110,491,331	126,330,000	131,300,000	136,100,000
FISH AND GAME FUND					
Fish and Game Licenses	3,845,069	3,550,500	4,000,000	4,200,000	4,400,000
Fines and Penalties	50,068	43,000	50,000	50,000	60,000
Miscellaneous Sales	124,478	144,600	160,000	120,000	120,000
Indirect Costs	136,800	180,000	140,000	150,000	160,000
TOTAL	4,156,415	3,918,100	4,350,000	4,520,000	4,740,000

\*CONSIDERS DEBT SERVICE REQUIREMENTS FOR CANNON MOUNTAIN  
TRAMWAY A GENERAL FUND CHARGE.

\*\*ESTIMATE BASED ON THE RATE OF \$.375 PER HUNDRED FOR  
FISCAL YEARS 1988 AND 1989.

Rep. Ward: Thank you, Mr. Speaker. Colleagues, I have nothing but good news for you, so relax. I would hope that you would turn to the page in the record where revenue estimates are printed which at this time I am only going to address, but certainly at the end, I will answer any questions and if I can't then a member of my Committee will. We made four changes in the revised 1987 revenue estimates that we brought you on February 9th. This is necessary to do at this time to go on with the base for 1988 and 1989. So let me address that first. In the revised estimates for 1987, June 30 of this year, we have raised an additional 9 million dollars in the Business Profits Tax. We took you up to 130 million and we now see 139. That is a plus of 9 million. Then 2 lines down where we have insurance, which I am sure you are all very aware of, insurance is going sky-high, you are paying it and the state is collecting the 2 percent premium tax. So we have revised that, an additional 4 million dollars from 28 million to 32 million. I remind you, we are in the 1987 revised estimates. The Real Estate Transfer Tax we have predicted that we will not raise the 48 million that we anticipated and, in fact, we believe 44 million is the better figure. That is a minus of 4, and I remember, I believe that it was Rep. Sanderson who asked me at the time if we weren't too optimistic and we didn't think we were, but we come and tell you that we do not see it. We see 44 million, so that's a minus of 4 million. Then if you would drop down to the last of the four changes, you will see courts. We were at 15 million, we kept being told that the money was there, it was in the system, but it wasn't quite identified. Apparently, the Unified Court System has not yet unified its reporting, depositing and accounting system. The Governor has predicted that that will bring in 18 million and we could see no reason why we should not assume the 18 million that he was recommending, so that's a plus of 3 million more than we could locate. So, your nets and your minuses give you an additional 12 million dollars for your bottom line. So your bottom line is now \$519,020,000. Then, of course, we go now for the first time and the necessary figures in order that the Appropriations Committee can bring in what we require is a balanced budget. Our estimates for 1988 and 1989, I will not go through them item by item, I will if there are any questions. What I can tell you is that the Ways and Means Committee and its Subcommittee on Revenue Forecasting has talked with, met with, and deliberated with each and every person, quite frankly, that we could locate that is in the revenue forecasting business, from the Governor's financial director to a former budget director to a consultant that was hired through the Legislative Budget Office to assist us and, of course, to the Legislative Budget Office as well. These are our best estimates that can be given at this time. They are neither flying high, nor are they below the ballpark figures. We think they are very realistic and we believe that the Appropriations Committee could go forward with this revenue. The good news, and I think the final news, that you are really looking for is, how much money are we going to have for surplus. I think that's always the bottom line. So, I am happy to tell you that we forecast on June 30, 1987, you will have a surplus of \$80,333,000 and that includes taking out, we've already subtracted \$13,000,809 which was the Settlement Law. Now, if you take your handy pen, and we put the percentage figure in that will be deposited to the rainy day fund for the first time, the rainy day fund will receive \$25,000,951, leaving you \$54,382,000 to roll into 1988, to roll into your specials and your budgets and obviously you start with that figure to go through 1988 and then on down from there. Now, in your 54,382 (million) surplus, that does not include state employees pay raise nor the land trust. Those figures are another 36 million. In the pay raise, that's included in our surpluses that we carry forward for 1988 and 1989 and we are carrying forward an approximate 40 million, which was the Governor's recommendation of 10 million each year, however you decide to fund the land trust. But, that has not been subtracted out of this \$54,382,000. I'd be glad to answer any questions if I could. I also have



not reviewed with you the dedicated funds, the highway funds, the fish and game, there are very minimal changes there, and I would be happy to yield on that if you wish to discuss them.

Rep. Densmore: Thank you, Mr. Speaker. Chairman Ward, could you explain to us what the surplus is after the expenditures that are currently in HB 300 are taken into account, the 25 million that HB 300 has been increased by Appropriations.

Rep. Ward: I'm sorry, I did not do that figure because that is a working figure. I could do it in a hurry, but I think you could too if you just subtract that figure from the surplus, but I think you're working with apples and oranges because the Governor's budget is not a budget, it is just recommendations. The budget you have, and have looked at, is the Appropriations budget and they'll be coming back in on the 7th.

Rep. Michael King moved that Rep. Ward's remarks be printed in the Journal.

Adopted.

#### ENROLLED BILLS REPORT

HB 55, relative to the insanity defense and committal orders.

HB 109, relative to sunset review of coordinator of highway safety.

Rep. Raymond C. Buckley  
For the Committee.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 2 at 11:00 a.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 120-FN, relative to sunset review of plumbers board.

HB 240-FN, relative to septic inspections on waterfront properties and relative to creating 3 new positions within the division of water supply and pollution control and making an appropriation therefor.

HB 288-FN-A, establishing an office of victim/witness assistance and making an appropriation therefor.

HB 327-A, relative to funding for a pulp and paper technology program at the New Hampshire vocational-technical college at Berlin.

HB 364-FN-A, establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation therefor.

SB 73, to revive the charter of the First Congregational Church of Salem.

SB 230-FN, reinstating the position of sealer of weights and measures in Nashua.

SB 87, relative to the confidentiality requirement for explosive licenses.

HB 250-FN-A, making an appropriation to the Conway village fire district, authorizing the Conway village fire district to issue bonds, and relative to funding waste water treatment systems.

HB 260-FN-A, providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor.

HB 289-A, relative to criminal records and making an appropriation therefor.

HB 309-FN-A, relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain Aerial Tramway Fund.

HB 321-FN-A, creating the Connecticut River Valley resource commission and making an appropriation therefor.

HB 667-FN, directing the legislative facilities committee to conduct a study of salaries for unclassified state employees, and making an appropriation therefor.

HB 700-FN, permitting group II members who reach age 65 to make an election for retirement benefits.

SCR 1, commemorating the Melvin Village Community Church in Tuftonboro.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 1:51 p.m.

RECESS

(Rep. Krueger in the Chair)

#### ENROLLED BILLS REPORT

HB 728, relative to daylight savings time.

HB 106, relative to sunset review of board of claims.

HB 162, relative to sunset review of the board of tax and land appeals.

HB 215, relative to certain expenses for laying out a highway at the request of a petitioner.

HB 230, establishing a hotline for missing children.

HB 277, continuing the task force to study mental health services.

HB 699, establishing a task force to study support services for families with developmentally disabled children.

SB 73, to revive the charter of the First Congregational Church of Salem.

SB 87, relative to the confidentiality requirement for explosive licenses.

SB 230, reinstating the position of sealer of weights and measures in Nashua.

Rep. Raymond C. Buckley  
Sen. John P.H. Chandler, Jr.  
For the Committee.

(Deputy Speaker Burns in the Chair)

Rep. Brungot moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 17

*Thursday, 2Apr87*

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Burns.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Immortal God, we thank You for the abilities You have given us --- the ways in which You have equipped us for the tasks which we face as we gather here.

We are so aware of the intellect with which we ask questions and seek the truth. We recognize the physical energy it takes to sit hour after hour, to listen carefully and to speak clearly. And we acknowledge the compassion of our hearts as we seek earnestly to feel the concerns of others.

Grant, O Lord, that we may use our minds, our bodies and our hearts --- all the abilities You have given us --- as we seek to serve. Amen.

Rep. Wixson led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Nagel, Hynes, Boisvert, Dupont, Ruth Gage and Cooke, the day, illness.

Reps. Prestipino, Lemire, Seward, Wayne King, Swope, LaMar, Cushing, Hardy, Hunt, Walker, Schmidtschen, Brown, Ritso, Dearborn, Michael Jones, Bolduc, Gene Chandler, Bennett, Laurion and McKee, the day, important business.

Rep. Musler, the day, death in the family.

Reps. Joseph MacDonald, Walter and Wagner, the day, illness in the family.

## INTRODUCTION OF GUESTS

Gene and Cynthia Popien and Marie Elizabeth Dexter, guests of Rep. Dexter; Suzanne Wichland, Elizabeth Daschbach, Sarah and Megan Wichland, daughters and granddaughters of Rep. Daschbach; May Balsama, New Hampshire State Parent Teachers Association President, guest of Rep. Holden; Matt Canico, National Junior Olympics qualifier from the Exeter Swim Team, coached by and guest of Rep. Palumbo; Esther Christy, Mr. and Mrs. Fred Rickauer and their children, Christy, Andrew, John and Heidi, guests of Rep. Christy; Matt Bell, guest of Rep. Francis Robinson; Robert Baldizar, husband of Rep. Baldizar.

## SENATE MESSAGES CONCURRENCE

HCR 9, inviting Chief Justice Brock to address a joint convention on the state of the judiciary.

HB 215-FN, relative to certain expenses for laying out a highway at the request of a petitioner.

HB 277, continuing the task force to study mental health services.

HB 230, establishing a hotline for missing children.

HB 699, establishing a task force to study support services for families with developmentally disabled children.

HB 140-FN, relative to sunset review of the police standards and training council - corrections.

HB 139-FN, relative to sunset review of the police standards and training council.

HB 137-FN, relative to sunset review of department of safety - administration and support.

HB 130-FN, relative to sunset review of fire standards and training commission.

HB 129-FN, relative to sunset review of disaster office.

HB 128-FN, relative to sunset review of civil defense.

HB 118-FN, relative to sunset review of board of optometry.

HB 728, relative to daylight savings time.

HB 176-FN, relative to sunset review of state board of auctioneers.

HB 172-FN, relative to sunset review of New Hampshire housing finance authority.

HB 141-FN, relative to sunset review of the commission on human rights.

HB 121-FN, relative to sunset review of board of registration of podiatrists.

HB 119-FN, relative to sunset review of the pharmacy commission.

HB 115-FN, relative to sunset review of regulation of electricians.

HB 111-FN, relative to the sunset review of the board of accountancy.

HB 110-FN, relative to sunset review of the New Hampshire retirement system.

HB 106-FN, relative to sunset review of board of claims.

#### NONCONCURRENCE

HB 98, relative to adultery.

#### REQUESTS CONCURRENCE WITH AMENDMENTS

HB 151-FN, relative to sunset review of veterans' home. (Amendment printed SJ 3/26)

Rep. Parker moved that the House concur.

Adopted.

HB 116-FN, relative to sunset review of funeral directors and embalmers. (Amendment printed SJ 3/26)

Rep. Hawkins moved that the House concur.

Adopted.

HB 147-FN, relative to sunset review of department of health and human services - division of mental health. (Amendment printed SJ 3/26)

Rep. Sochalski moved that the House concur.

Adopted.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 643-FN, relative to compensation of jurors, was removed at the request of Rep. James Chandler.

Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

HB 295-FN, relative to the board of tax and land appeals. (A) Ought to Pass with Amendment.

The bill makes certain technical changes concerning notice requirements given by the Board of Tax and Land Appeals and other procedural corrections. The bill was amended to remove the provision for a salary group change as the matter will be covered by other legislation. Vote 19-0. Rep. Howard C. Townsend for Appropriations.

## Amendment

Amend the bill by deleting sections 11, 12, and 13 and renumbering sections 14 and 15 to read as 11 and 12 respectively.

## AMENDED ANALYSIS

This bill eliminates certain inconsistencies concerning notice requirements given by the board of tax and land appeals.

The bill also changes the body with whom certain filings must be made from the commissioner of revenue administration to the board of tax and land appeals. Appeals from decisions of the board of tax and land appeals to the supreme court are also made procedurally consistent.

HB 347-FN-A, relative to the dental hygienist program at the New Hampshire technical institute and making an appropriation therefor. Ought to Pass.

This bill funds the expansion of the dental hygienist program at the New Hampshire Technical Institute in Concord. There is a demand for dental hygienists and there is a waiting list to enter the program. This program fills a necessary need and has the support of dentists. Vote 17-0. Rep. Roma A. Spaulding for Appropriations.

HB 348-FN-A, relative to the division for children and youth services and appropriating funds for certain employee benefits. (A) Ought to Pass.

This bill appropriates \$3,000 to reinstate all employee benefits to which the Superintendent of Philbrook Center was previously entitled. Vote 19-0. Rep. Ellen-Ann Robinson for Appropriations.

HB 508, authorizing transfers within a program appropriation unit of the department of health and human services. Ought to Pass.

This bill provides that upon prior approval of the Fiscal Committee and the Governor and Council, the Commissioner of Health and Human Services may transfer between the Mental Health and Developmental Services Program Appropriation Unit, such sums as needed to meet the requirements of each client as they move through each appropriate level of care within the system. For the biennium ending June 30, 1989. Vote 17-0. Rep. Peter J. Zis for Appropriations.

HB 624, relative to survivors' benefits of New Hampshire permanent firemen's retirement system members receiving disability retirement benefits. (A) Ought to Pass with Amendment.

This bill permits a small group of firemen who were overlooked to receive the same disability retirement benefits available to other firemen in the system. The amendment merely clarifies the definition of the group involved. No general fund appropriation is involved. Vote 20-0. Rep. Caroline L. Gross for Appropriations.



## Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Benefits Upon Member's Death. Amend RSA 102:17 to read as follows:  
102:17 In Case of Death or Disability.

I. A permanent fireman accepting the provisions of this chapter, who shall have become permanently disabled from fire duty, because of injury received in line of duty, shall receive an annual sum equal to 2/3 his annual salary as defined in RSA 102:15, and in case of call, volunteer, or substitute firemen, who become permanently and totally disabled because of injury received in line of fire duty, an annual sum not to exceed \$1,250 per year. Firemen shall be acknowledged as performing their duty while actually covering a tour of duty within the station assigned, going to, returning from or working at a fire or other public emergency; when performing all work within the scope of employment of the firemen under the expressed or implied authority of a superior officer; and in such other cases as the board may from time to time decide to be for the public interest. The fact of permanent disability may be established by the certificate of physician designated by the board. In case a fireman accepting the provisions hereof shall die as the result of injury received in line of duty, his widow or if none, his minor child or children shall receive an annual sum equal to the compensation allowed for disability for either permanent or call fireman, as the case may be, until in case of a widow, she dies or remarries, or, in case of a minor child or children, the board in its discretion shall pay such sum as a joint and survivor annuity, until such child dies or attains the age of 18 years, and in case there is no wife, child or children under age 18 surviving such member, then to his totally dependent father or mother, or both, and the survivor of either one of them, as the board in its discretion shall determine, during dependency, and until remarriage of either.

II. In case a retired member, whose retirement was the result of disability received in line of duty dies while on retirement [from the result of injuries received in line of duty], the payment of his retirement benefits shall continue to his widow until she dies or remarries, or children until they reach the age of 18 years, notwithstanding the cause of the retired member's death.

2 Application. The retirement benefits provided under RSA 102:17, II as provided in section 1 of this act shall be granted prospectively as of the effective date of this act, and shall be payable to the widows or children of members who are still living, and to the widows or children of those members who retire on or after the effective date of this act.

3 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

As amended, this bill provides that if a retired member of the New Hampshire permanent firemen's retirement system who retired due to a disability dies while on retirement, his beneficiaries shall continue to receive his retirement benefits, notwithstanding the cause of the retired member's death.

As amended, this benefit is granted prospectively, as of the effective date of this act, to beneficiaries of such retirees who retire on or after the effective date of this act, or who are retired and living on the effective date of this act.

HB 629-FN, relative to the administration and investments of the New Hampshire retirement system. (A) Ought to Pass with Amendment.

This bill gives the New Hampshire Retirement System the option to expand its investments to include stock options, financial futures and

international investments. It also permits the System to hire outside legal counsel. The amendment, worked out in cooperation with the Attorney General's Office further defines the circumstances under which outside counsel can be retained. There is no appropriation in the bill; the System will bear any costs involved. Vote 16-0. Rep. Caroline L. Gross for Appropriations.

#### Amendment

Amend RSA 100-A:15, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The board of trustees is authorized to engage the services of legal counsel for special investment, federal, and tax matters and, with the approval of the attorney general, to engage outside counsel for other matters. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

#### AMENDED ANALYSIS

As amended, this bill authorizes the New Hampshire retirement system board of trustees to engage the services of legal counsel for special investment, federal, and tax matters and to engage outside counsel for other matters with the approval of the attorney general. Compensation for such services are a charge upon retirement system funds.

The bill also gives the board of trustees the additional power to invest retirement system funds in stock options, financial futures, and international investments.

HB 674-FN, relative to accidental disability benefits for New Hampshire retirement system members. (A) Re-Refer to Committee.

In trying to estimate the potential costs of this legislation, the Committee ran into two problems. The first is a matter of definitions - what is the legal meaning of "gradual degeneration occurring while in the actual performance of duty" or "a mental incapacitation for the further performance of duty that is likely to be permanent"? The second problem is that these definitions while similar are not the same as those in the Workers' Compensation Law. It is hoped that with further study these two statutes could be made more compatible. Vote 18-0. Rep. Caroline L. Gross for Appropriations.

Re-Referred to the Committee on Executive Departments and Administration.

SB 65, repealing the authorization for a committee to investigate the confinement of children. Ought to Pass.

This bill repeals the 1975 Session Law that established the Study Committee to Investigate Alternatives to the Confinement of Children at the Youth Development Center or the New Hampshire Hospital. With the creation of the "Citizens' Advisory Board," which was created after the reorganization of the Division for Children and Youth Services in 1983, there was no longer a need for the original Committee. Vote 18-0. Rep. Josephine Mayhew for Children, Youth and Elderly Affairs.

SB 57, relative to change of name and address of a corporation. Ought to Pass.

This bill changes the administrative procedure to be followed in the event a corporation does not notify the Secretary of State of a change of its registered agent or registered office. It will do away with automatic forfeiture of the charter and insert a 90-day grace period

after which the Secretary of State shall certify to the Attorney General the name of such corporation together with the pertinent facts. The bill, as amended by the Senate, is retroactive to June 13, 1985. Vote 13-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

SB 235-FN, relative to municipal and county bonds. Ought to Pass. This bill makes good financial sense for the entire State. All witnesses, including the State Treasurer, were in favor of its passage. Vote 14-0. Rep. Chris Korcoulis for Municipal and County Government.

SB 12, relative to the operation of motors on Clarksville Pond in the town of Clarksville. Ought to Pass with Amendment. This bill limits power boat speeds on Clarksville Pond to trolling speed and requires Safety Services to post the restrictions. It also renews the Balsams Corporation's lapsed fish propagation license on its 31-acre artificial Lake Gloriette. Vote 15-0. Reps. Richardson Blair and Mary Ann Lewis for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the operation of motors on Clarksville Pond in the town of Clarksville, the posting of Clarksville Pond, and the reinstatement of the propagation license issued to the Balsams Corporation for Lake Gloriette.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Clarksville Pond. Amend RSA 486 by inserting after section 26 the following new section:

486:27 Clarksville Pond. No person shall operate any boat equipped with a petroleum-powered motor upon the waters of Clarksville Pond in the town of Clarksville. Any other type of power motor used on Clarksville Pond shall not develop more than trolling speed. Whoever violates this section shall be guilty of a violation.

2 Posting of Clarksville Pond. The division of safety services, department of safety, shall appropriately post Clarksville Pond in the town of Clarksville.

3 Propagation License Reinstated. Notwithstanding the provisions of RSA 212:25 or RSA 211:62-e and upon payment of all fees, the propagation license issued to the Balsams Hotel of the Balsams Corporation for fishing in Lake Gloriette, a 31-acre artificial reservoir on the property of the Balsams Corporation, is hereby reinstated and renewed. Further that Lake Gloriette is hereby designated as a private body of water belonging to the Balsams Corporation.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill prohibits the use of petroleum-powered motors on boats operating on Clarksville Pond in the town of Clarksville.

The bill, as amended, further limits any other type of power motor used on Clarksville pond to trolling speed and requires the division of safety services to appropriately post Clarksville pond.

The propagation license for the Balsams Corporation is reinstated and renewed by this bill upon payment of all fees, for the Balsams' private lake named Lake Gloriette.

SB 29, relative to the appointment of a caretaker for the "Old Man of the Mountain." Ought to Pass with Amendment.

This bill empowers the Governor and Council to appoint a caretaker for the "Old Man of the Mountain." Such person must be a resident of the State who has demonstrated record of expertise and concern for the "Old Man." Vote 16-0. Reps. Richardson Blair and Mary Ann Lewis for Resources, Recreation and Development.

#### Amendment

Amend RSA 3-B:1 as inserted by section 1 of the bill by replacing it with the following:

3-B:1 Position Established. There is established the position of caretaker for the "Old Man of the Mountain" located in Franconia Notch. The governor, with the consent of the council, shall appoint the caretaker. The person so honored shall be a resident of the state, person with a demonstrated record of expertise on and concern for the "Old Man of the Mountain", and shall serve at the pleasure of the governor and council.

#### COMMITTEE REPORTS (Regular Calendar)

HB 100-A, making appropriations for capital improvements. (A) Ought to Pass with Amendment.

This is the "fast track" capital budget bill. The amendment moves the prison Phase IV B from HB 200-A to this bill and has necessary lapse date extensions. Vote 21-0. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sums hereinafter detailed are hereby appropriated for the project specified to the departments, agencies, and branches named:

I. Administrative Services	
A. Health and human services building - HVAC, Phase II	\$ 2,400,000
B. Health and human services building - chemical storage facility	75,000
C. Renovations - Spaulding hall, New Hampshire hospital	<u>720,000</u>
Total paragraph I	\$ 3,195,000
II. Department of Corrections	
A. Phase IV-B prison	<u>\$17,025,000</u>
Total paragraph II	\$17,025,000
III. Department of Health and Human Services	
A. Spaulding cottage - YDC - design, renovations	<u>420,000</u>
Total paragraph III	\$ 420,000
IV. Department of postsecondary vocational-technical education - instructional equipment for I/MET and C&T programs	
	<u>\$825,848</u>
Total paragraph IV	\$ 825,848

V. Department of Resources and  
Economic Development

A. Land purchases	\$ 350,000	
Less federal funds	<u>-350,000</u>	
Total paragraph V		-0-
Total state appropriation section 1		\$21,465,848

2 Appropriation; University System of New Hampshire. The sum hereinafter detailed is hereby appropriated for the project specified:

I. University System of New Hampshire

A. Field house - addition	\$3,800,000	
Total state appropriation paragraph I		\$ 3,800,000
Total state appropriation section 2		\$ 3,800,000

3 Expenditures; General. The appropriation made for the purposes mentioned in section 1 and the sums available for these project shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications thereof shall be awarded in accordance with the provisions of RSA 228.

4 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the lowest bidders for a contract of the construction upon terms considered most advantageous to the university system. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

5 Land Acquisition. Any land acquired under the appropriations made in section 1 shall be purchased by the commissioner of transportation with the approval of governor and council.



6 Architectural Requirements. No new building authorized by this act shall be constructed without meeting life safety code requirements, handicapped architectural barrier free code requirements, and energy conservation code requirements.

7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$25,265,848 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

8 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state.

9 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purpose of section 2.

10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available, for any project under section 1 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 9 shall be reduced by the same amount.

11 Transfers. The individual project appropriations provided in section 1 shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source.

12 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by section 1 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 7 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

13 Appropriation; Mental Health Facilities Improvement Program. Amend 1985, 409:23 to read as follows:

409:23 Appropriation; Mental Health Facilities Improvement Program. The sums hereinafter detailed are hereby appropriated for the project specified to the departments, agencies and branches named:

I. Health and human services	
A. Central psychiatric hospital	\$21,500,000
	\$22,200,000
B. Community care facility	2,000,000
Total state appropriation section 23	<u>\$23,500,000</u>
	\$24,200,000

14 Bonds Authorized. Amend 1985, 409:26 to read as follows:

409:26 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in section 23 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$23,500,000] \$24,200,000 and for said purposes may issue bonds and notes in the name and on behalf to the state of New Hampshire in accordance with the provisions of RSA 6-A.

15 Appropriation; Department of Safety. Amend 1985, 409:3 to read as follows:

409:3 Appropriation; Department of Safety and [Public Works and Highways] Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Safety	
A. Addition and new roof, Hayes building - Concord	\$1,300,000
B. New troop station-Milford	
1. Land acquisition	\$ 100,000
2. Design and construction	[200,000]
	400,000
C. Garage, troop A - Epping	50,000
Total state appropriation paragraph I	[\$1,650,000]
	\$1,850,000
II. [Public works and highways] Transportation	
A. Renovations to John O. Morton building - Concord (no part of this appropriation shall be used for the construction of shower facilities)	\$ 245,000
B. CAD system - Concord	950,000
C. Statewide fuel distribution system	340,000
Total state appropriation paragraph II	<u>\$1,535,000</u>
Total state appropriation section 3	[\$3,185,000]
	\$3,385,000

16 Bonds Authorized. Amend 1985, 409:11, I as amended by 1985, 211:13 and 1986, 209:9 to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$22,886,620] \$23,086,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

17 Federal Groundwater Mapping Program. 1985, 77:1 is repealed and reenacted to read as follows:

77:1 Appropriation; Special Account. The sum of [\$2,000,000] \$2,500,000 is hereby appropriated to the [water resources board or to its successor agency] division of water resources, department of environmental services for participation in the federal groundwater mapping program.

18 Bonds Authorized. Amend 1985, 77:2 to read as follows:

77:2 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [\$2,000,000] \$2,500,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

19 Lapse Date Extended; Department of Resources and Economic Development. The appropriations made to the department of resources and economic development in 1985, 409:1, IX, A, for renovations and improvements at Mount Sunapee and Cannon Mountain, and 1985, 409:1, IX, G, power and water at the state campgrounds, are hereby extended to June 30, 1989.

20 Lapse Date Extended; Department of Health and Human Services. The appropriations made to the department of health and human services by the following are hereby extended to June 30, 1989:

I. 1985, 409:1, VI, E, boiler breeching replacement - YDC.  
 II. 1985, 409:1, VI, F, safety improvements - Friendship house - Manchester.

III. 1985, 409:1, VI, G, smoke detectors - YDC.

21 Lapse Date Extended; Approval of Capital Budget Overview Committee Required; Youth Development Center.

1. The following appropriations to the youth development center are hereby extended to June 30, 1989:

(a) 1983, 423:1, X as amended by 1985, 44:20 and 1985, 44:21, priority maintenance projects.

(b) 1981, 565:20, V as amended by 1982, 38:16 and 1985, 44:20 and 1985, 44:21, renovations to King and East Cottages.

II. No expenditures shall be made by the youth development center from the appropriations extended for the projects specified in subparagraphs I(a) and (b) without the prior approval of the capital budget overview committee.

22 Lapse Date Extended; State Veterans Home. The lapse date for 1985, 409:1, XI, B, site evaluation for state veterans cemetery, is hereby extended to June 30, 1989.

23 Lapse Date Extended; Department of Administrative Services. The lapse date for 1985, 44:1, IV, A and B as amended by 1986, 211:30, purchase and enhancements of the federal district courthouse - Littleton, and purchase and enhancement of federal post office, N. Main St., Rochester, is hereby extended to January 1, 1988.

24 Lapse Date Extended; Liquor Commission. The lapse date for 1985, 409:1, VII, C, computer system enhancements, is hereby extended to June 30, 1989.

25 Lapse Date Extended; Department of Corrections. The lapse date for 1985, 409, V, C, Phase IV, construction, New Hampshire state prison, is hereby extended to June 30, 1989, and the unexpended balance of \$775,000 is allocated to Phase IV-B in section 1, paragraph II, A of this act so that the total available for said project shall be \$17,800,000.

26 Lapse Date Extended; Supreme Court. The lapse date for 1985, 44:1, III, for the superior court - Nashua, design and engineering, is hereby extended to June 30, 1989.

27 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 200-A, making appropriations for capital improvements. (A) Ought to Pass with Amendment.

The Committee amendment allows funds for flood protection in Winnepesaukee River Basin, a new recreation field at Keene State College, extended lapse dates, adds the section dredging the harbor at Portsmouth, also extends the necessary lapse dates. Vote 16-2. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

## I. Adjutant General

A. Replace 30 underground tanks	\$ 496,900	
Less federal	- 140,850	
Net appropriation subparagraph A	\$ 356,050	
B. Roof repairs - 6 armories	195,180 *	
C. Roof and runway - flight facility	51,000	
Less federal	-38,250	
Net appropriation subparagraph C	12,750	
Total state appropriation paragraph I		\$ 563,980

## II. Administrative Services

A. Design and construction documents - Johnson Hall - New Hampshire Hospital	\$ 32,000 *	
B. Exterior renovations - purchase and property warehouse	90,000	
C. New Hampshire Hospital computer system	400,000 *	
D. Replace flooring - Old Mill #1 - Claremont	50,000	
E. Design and construction documents - Walker Building - New Hampshire Hospital	365,000 *	
F. DIS - Air conditioning	38,000 *	
G. DIS - Halon extinguisher system	30,000 *	
Total state appropriation paragraph II		\$ 1,005,000

(After completion of the design and construction documents for Johnson Hall, as specified in paragraph II, A, and the Walker Building, as specified in paragraph II, E, the department of administrative services shall submit a request for approval to the capital budget overview committee containing the design and construction documents and a plan for the usage of the buildings.)

## III. Attorney General

A. Medical examiner lab at site of the Police Standards building	\$ 1,000,000	
Less penalty assessment fund	- 400,000	
Net appropriation paragraph A	600,000	
Total state appropriation paragraph III		\$ 600,000

(The appropriation made in paragraph III, A for the medical examiner lab shall not be expended, encumbered, or obligated in any way without the approval of the capital budget overview committee.)

## IV. Corrections

A. Design and renovations of Grasmere county facility for use as female facility	\$ 1,300,000	
Total state appropriation paragraph IV		\$ 1,300,000

## V. Fish and Game

A. Milford fish hatchery Finish well system redevelopment	\$ 195,000	
Total state appropriation paragraph V		\$ 195,000

## VI. Health and Human Services

A. TCF - Equipment and furnishings - New Hampshire Hospital	\$ 3,316,000 **	
B. Design and construction documents - Brown ICF Renovations - New Hampshire Hospital	430,000	

C. Glencliff home for the elderly	
1. Perimeter chain link fence	\$ 45,000 *
2. Rewiring of Brown Building	100,000
3. Replace one boiler at Glencliff	150,000 *
4. Brown Building - window replacement	125,000
5. Laundry sprinkler system	12,000 *
6. Paving of dirt parking lot, minor road repairs	17,200 *
Total subparagraph C	\$ <u>449,200</u>
D. New Hampshire Hospital - One 10,000 gallon fiberglass gasoline tank	20,000 **
Total state appropriation paragraph VI	\$ 4,215,200

(After completion of the design and construction documents for the Brown ICF renovations, as specified in paragraph VI, B, the department of health and human services shall submit a request for approval to the capital budget overview committee containing the design and construction documents and a plan for the usage of the building.)

VII. Judicial Branch	
A. Hillsborough county courthouse - corner of Spring St. and Pearl St. in Nashua - construction	\$ 7,500,000
B. Carroll county superior court building	
1. Purchase	1
2. Handicapped access	25,000
Total subparagraph B	\$ <u>25,001</u>
Total state appropriation paragraph VII	\$ 7,525,001
VIII. Port Authority	
A. Dredging pier (N.W. end)	\$ 66,000
B. Dredging of Portsmouth Harbor and the Piscataqua River	18,700,000
Less federal	-14,000,000
Net appropriation paragraph B	\$ <u>4,700,000</u>
Total state appropriation paragraph VIII	\$ 4,766,000

(The appropriation for the water improvement project in paragraph VIII, B shall be used to widen the maneuvering area between the 2 vertical lift bridges from 600 feet to a maximum of 1000 feet; widen by 100 feet the northern limit of the channel adjacent to Badgers Island; and widen the southern limit of the channel at the eastern end of Goat Island southeast of Henderson Point from 400 to 550 feet. Section 29 of this act contains additional costs associated with this project.)

IX. Postsecondary Vocational-Technical Education	
A. NHVTC - Claremont	
1. Roof repairs	\$ 113,500
2. Mini computers for allied health programs	16,803 *
Total appropriation subparagraph A	\$ <u>130,303</u>
B. NHTI - Concord	
1. Cafeteria remodeling	\$ 280,000
Total appropriation subparagraph B	\$ <u>280,000</u>



C. NHVTC - Laconia		
1. Roof repairs	\$ 110,000	
2. 3 color flex graphic press	30,000 *	
3. Saddle stitch binder	25,000 *	
Total appropriation subparagraph C	\$ 165,000	
D. NHVTC - Manchester		
1. Roof repairs	\$ 100,000	
2. Parking lot	140,000	
3. Twin post frame lifts	30,000 *	
Total appropriation subparagraph D	\$ 270,000	
E. NHVTC - Nashua		
1. Pollution control automotive engine diagnostic unit	\$ 32,000 *	
2. 3 - Axis CNC mill machine	47,000 *	
Total appropriation subparagraph E	\$ 79,000	
F. NHVTC - Stratham		
1. Hunter C-111 alignment equipment	\$ 22,000 *	
2. Three engine lathes	49,000 *	
Total appropriation subparagraph F	71,000	
Total appropriation paragraph IX		995,303
X. Resources and Economic Development		
A. Peabody Slopes base lodge and associated facilities - Cannon Mt.	\$ 1,370,000	
B. Cannon Summit - sewage	150,000	
C. Mt. Washington - sewage	500,000	
D. Kingston Park - well	10,000	
E. Lake Francis - well	10,000	
F. Wadleigh - well	10,000	
G. Moose Brook - sewage	30,000	
H. Underground tanks	100,000	
Total state appropriation paragraph X		\$ 2,180,000
XI. Secretary of State/Records Management and Archives		
A. Addition to records and archives building	\$ 951,350	
B. Insulate and replace roof covering archives building	60,000 *	
Total state appropriation paragraph XI		\$ 1,011,350
XII. State Library - Automated information system		
1. Lines and microwave	\$ 46,400	
2. Equipment	462,642	
Total state appropriation paragraph XII		\$ 509,042
XIII. Veterans Home		
A. Fifty bed nursing home	\$ 4,700,000	
Total state appropriation paragraph XIII		\$ 4,700,000
XIV. Water Resources, Division of		
A. Repair and reconstruction of dams transferred from fish and game	\$ 700,000	
B. Winnepesaukee River Flood protection project	\$ 985,000	
Total state appropriation paragraph XIV		\$ 1,685,000

(The funds appropriated in paragraph XIV represent the state's 25 percent share of the total cost of the Winnepesaukee River flood control project:)

Total state appropriation section 1 \$31,250,876  
 \* To be 5 year bonds.  
 \*\* To be 10 year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter are hereby appropriated for the projects specified:

I. University System of New Hampshire

A. Asbestos removal	\$ 300,000
B. Life safety and handicapped	125,000
C. Plymouth State College - Memorial Hall renovation, design and construction	1,320,000
D. New Hampshire public television	
1. Broadcast center - move in project	\$ 365,000
2. General production support - replacement project	285,850
3. Saddleback network - replacement project	76,050
4. Production control room A/Audio A - replacement project	107,475
5. 1" editing - replacement project	71,550
6. Distribution - new equipment project	280,600
7. Production control room B and Audio B - new equipment project	249,250
Total appropriation subparagraph D	<u>\$ 1,435,775</u>
E. Keene State College - athletic/recreation field and academic/natural area - phase I - design and construction	1,900,000

Total state appropriation section 2 \$ 5,080,775

3 Appropriation; Departments of Safety and Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Safety

A. Radio study	\$ 100,000	
Total state appropriation paragraph I		\$ 100,000

II. Department of Transportation

A. State wide fuel program	\$ 509,100	
B. CAD/D Phase II	<u>\$ 600,000</u>	
Total state appropriation paragraph II		\$ 1,109,100
Total state appropriation section 3		<u>\$ 1,209,100</u>

4 Appropriation; Self-Liquidating Revenue Bonds; Police Standards and Training Council. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Police Standards and Training Council

A. Design and construction - Academic wing addition	\$ 570,000	
Total appropriation paragraph I		\$ 570,000
Total state appropriation section 4		<u>\$ 570,000</u>

5 Appropriation; Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Fish and Game.

A. Rearing pond and raceway covers	<u>75,000</u>	
Total state appropriation paragraph I		\$ 75,000
Total state appropriation section 5		<u>\$ 75,000</u>

6 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3, 4, and 5 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or

department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

7 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university system. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

8 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, 4, and 5, except such land, if any, as may be acquired under the appropriation for the division of water resources, shall be purchased by the commissioner of transportation with the approval of governor and council.

9 Architectural Requirements. No new building authorized by this act shall be constructed without meeting life safety code requirements, handicapped architectural barrier free code requirements, and energy conservation code requirements.

10 Bonds Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, 4, and 5 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$38,185,751 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

11 Payments.

1. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state.

II. The payment of principal and interest on bonds issued for projects in section 3 shall be made from the highway fund.

III. The payment of principal and interest on bonds issued for projects in section 4 shall be made from the penalty assessment fund.

IV. The payment of principal and interest on bonds issued for projects in section 5 shall be made from the fish and game fund.

12 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purpose of section 2.

13 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available, for any project under sections 1, 3, 4, and 5 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 10 shall be reduced by the same amount.

14 Transfers. The individual project appropriations as provided in sections 1, 3, 4, and 5 shall not be transferred or expended for any other purposes; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section, provided prior approval of the capital budget overview committee is obtained.

15 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 2, 3, 4, and 5 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 10 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

16 Water Supply and Pollution Control Commission. Amend 1983, 423:1, IX to read as follows:

IX. Water Supply and Pollution Control [Commission] -	
Regional waste treatment facilities -	
Winnepesaukee river basin	\$ 6,660,000
less federal	[4,995,000]
	-2,995,000
less local	- 333,000
Total paragraph IX	\$[1,332,000]

3,332,000

17 Bonds Authorized. Amend 1983, 423:8 as amended by 1985, 44:19 and 1985, 390:3 to read as follows:

423:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$22,487,345] \$24,487,345 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for section 1, I, B; II, E; III, B, C, D, E(1), (2), and (4), F, G; IV, A(4); VI, A-D, and F; VII, B; X, A-J; section

3, I, B; II, D and E; section 4, I, A-C; shall have a maturity of 5 years from date of issue.

18 Appropriation; Fish and Game Regional Offices. 1985, 409:1, V as amended by 1986, 211:2 is repealed and reenacted to read as follows:

V. Fish and Game

A. New headquarters facility - Concord, \$1,600,000  
design and construction

B. Regional Offices - Durham (to be 1,650,000  
built on state owned property);  
Laconia (to be built on state owned  
property); Lancaster; Keene  
Less federal - 550,000  
\$1,100,000

C. Computer system - headquarters -  
Concord \$ 90,000\*

Total state appropriation paragraph V \$3,340,000

(No expenditure may be made from the appropriation made in section 1, V, A or B until such time as the fish and game commission has developed an action plan and received the approval of such plan from both the capital budget overview committee and the governor and council. The sums appropriated in section 1, V, B may be transferred, by governor and council, with the prior approval of the capital budget overview committee, from one regional office to another to allow and maximize the potential use of federal matching funds. Any short fall in matching federal funds for the appropriation made in section 1, V, B shall be a charge against the fish and game fund.)

19 Bonds Authorized, Total Changed. Amend 1985, 409:11, I as amended by 1986, 209:9, 1986, 211:13, and 1986, 211:27 to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$22,886,620] \$23,436,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

20 Lapse of Available Balances; Sugar River Watershed Site C-9 Accounts.

I. The available balance of \$1,045,000 in federal funds and \$143,417.46 in state funds in the appropriation made by 1979, 435:1, XII, B as amended by 1981, 565:15, III and 1985, 400:5, I(a), for the construction of Sugar River watershed site C-9, a flood retarding and wildlife impoundment, shall lapse the effective date of this section.

II. The available balance of \$3,650 in federal funds and \$628,550 in state funds in the appropriation made by 1983, 423:1, VII as amended by 1985, 400:5, I(b), for the Sugar River watershed site C-9, a flood retarding and wildlife impoundment, shall lapse on the effective date of this section.

21 Lapse Date Extended; Department of Administrative Services. The lapse date for 1985, 44:1, IV, A and B as amended by 1986, 211:30, purchase and enhancements of the federal district courthouse - Littleton, and purchase and enhancement of federal post office, N. Main St., Rochester, is hereby extended to January 1, 1988.

22 Lapse Date Extended; Liquor Commission. The lapse date for 1985, 409:1, VII, C, computer system enhancements, is hereby extended to June 30, 1989.

23 Lapse Date Extended; Department of Resources and Economic Development. The appropriations made to the department of resources and economic development in 1985, 409:1, IX, A, for renovations and improvements at Mount Sunapee and Cannon Mountain, and 1985, 409:1, IX, G, power and water at the state campgrounds, are hereby extended to June 30, 1989.



24 Lapse Date Extended; Department of Health and Human Services. The appropriations made to the department of health and human services by the following are hereby extended to June 30, 1989:

I. 1985, 409:1, VI, E, boiler breeching replacement - YDC.

11. 1985, 409:1, VI, F, safety improvements - Friendship house - Manchester.

11I. 1985, 409:1, VI, G, smoke detectors - YDC.

25 Lapse Date Extended; Youth Development Center.

I. The following appropriations to the youth development center are hereby extended to June 30, 1989:

(a) 1983, 423:1, X as amended by 1985, 44:20 and 1985, 44:21, priority maintenance projects.

(b) 1981, 565:20, V as amended by 1982, 38:16 and 1985, 44:20 and 1985, 44:21, renovations to King and East Cottages.

II. No expenditures shall be made by the youth development center from the appropriations extended for the projects specified in subparagraphs I(a) and (b) without the prior approval of the capital budget overview committee.

26 Lapse Date Extended; State Veterans Home. The lapse date for 1985, 409:1, XI, B, site evaluation for state veterans cemetery, is hereby extended to June 30, 1989.

27 Lapse Date Extended; Supreme Court. The lapse date for 1985, 44:1, III, for the Superior Court - Nashua, design and engineering, is hereby extended to June 30, 1989.

28 Project Second Start Reimbursement; Appropriation.

I. The lease between Project Second Start and the state of New Hampshire, by which Project Second Start leases space in the Walker Building at New Hampshire hospital, shall be honored by the state until the expiration date of the lease.

II. The sum of \$71,669 is hereby appropriated to be paid to Project Second Start when it vacates its space in the Walker Building as repayment for renovations done by Project Second Start. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

29 Repayment of Construction Costs; Dredging of Portsmouth Harbor and Piscataqua River. The state shall repay an additional 10 percent of the total cost of construction for the dredging of Portsmouth Harbor and the Piscataqua River, as authorized by section 1, paragraph VIII, B of this act, over a period of not more than 30 years from the date of project completion. The governor is authorized to draw his warrant for said sums for repayment out of any money in the treasury not otherwise appropriated. The repayment shall include interest at a rate to be determined by the Secretary of the Treasury.

30 Effective Date.

I. Section 20 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1987.

Rep. LaMott yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 263-FN-A, establishing the arts development program and making an appropriation therefor. (A) Ought to Pass.

This bill establishes the arts development program under the State Council on the Arts. The sum of \$50,000 is appropriated for the biennium for the purpose of offering grants for planning, development, design and management of quality cultural facilities operated by New Hampshire non-profit organizations, so long as matching funds are provided by a source other than the State. These funds would be

distributed through an application process administered by the Council. Vote 15-4. Rep. Patricia O. Sanderson for Appropriations.

Ordered to third reading.

Rep. Grodin abstained from voting under Rule 16.

HB 284-FN-A, making an appropriation for a conference on day care.

(A) Ought to Pass.

The Committee recognizes the urgency of addressing the day care problem in the State through the gathering of data obtained at a one-day statewide conference for New Hampshire employers. Vote 16-4. Rep. Joanne A. O'Rourke for Appropriations.

Ordered to third reading.

HB 334-FN-A, relative to the out-of-state student incentive program and making an appropriation therefor. Inexpedient to Legislate. Even though the out-of-state incentive program has merit, the Appropriations Committee recommends that HB 334 be Inexpedient to Legislate. This program started with an appropriation of \$40,000 for the biennium in 1985-86. The Governor's budget has recommended, and the Committee has agreed to increase this appropriation to \$200,000 for 1988-89 biennium. This is a healthy increase and we are sure that the institutions of higher education in New Hampshire will see some results. Vote 18-2. Rep. Margaret A. Ramsay for Appropriations.

Resolution adopted.

HB 373-FN-A, relative to family life education and making an appropriation therefor. (A) Ought to Pass.

This bill meets the very real needs of many school districts within our State. It is permissive legislation allowing districts to apply for small incentive grants to cover the cost of developing, with the assistance of a local community advisory council, a program to best suit the needs of the individual district. The half-time Health Coordinator in the Department of Education becomes full-time. Included in the \$68,000 appropriation is money for the acquisition of resource material as well as the above-mentioned program staff. Vote 13-6. Rep. Patricia O. Sanderson for Appropriations.

Ordered to third reading.

HB 643-FN, relative to compensation of jurors. Inexpedient to Legislate.

The Committee thinks it would be unwise to abolish the half-day juror fee of \$15 since it has been helpful in promoting efficient use of juror time. New Hampshire jurors are currently among the highest paid in the country at \$30 per day. Vote 19-0. Rep. Donna P. Sytek for Appropriations.

Rep. Sytek yielded to questions.

Rep. James Chandler spoke to the report.

Reps. Palumbo and Chambers moved that HB 643 be laid upon the table.

Adopted.

#### SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the Rules be so far suspended as to permit consideration at the present time of HR 31, providing requested definition and factual findings concerning House Bill 70, and HR 32,

providing requested definition and factual findings concerning HB 70 for an opinion of the justices, without introduction, printing and hearing.

Adopted by the necessary two-thirds.

#### HOUSE RESOLUTION NO. 31

providing requested definition and factual findings  
concerning House Bill 70.

Whereas, House Bill 70, an act prohibiting homosexuals from adopting, being foster parents, or running day care centers, has been introduced and has been amended by the Judiciary committee of the house of representatives and is now pending before the house of representatives for consideration; and

Whereas, in reply to House Resolution No. 23, requesting an opinion of the justices, the supreme court issued an opinion requesting a definition of homosexual, and a statement of factual findings about the nexus between homosexuality and the unfitness of homosexuals as declared by the bill; now, therefore be it;

Resolved by the House of Representatives:

That for the purposes of HB 70, a homosexual is defined as any person who performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another person of the same gender; and

That, on the basis of testimony presented before the judiciary committee of the New Hampshire house of representatives, the supporters of HB 70 argued that the nexus between homosexuals, as defined above by the sponsors, and their unfitness to provide temporary child care lies in an environmental context. The supporters argued that homosexuals are inappropriate role models for young children. The crux of the argument asserts that the association of children with homosexuals in a social setting could turn these children into homosexuals. Some advocates of the bill suggested that the dynamic involved is the homosexuals' need to proselytize. Thus, children placed in such an environment are consequently focused toward an "unnatural" style of life versus the "natural" format of heterosexuality. Supporters of HB 70 did not present convincing documented support for their theoretical model. The committee received no convincing evidence that sexual preference per se affects the ability to give supportive care for children, but only oblique references to the prospect that it is too much for a foster child to cope with the "homosexual environment" on top of all the other problems such a child must face. No evidence of detrimental effects in situations of adoptions or day care supervision were presented; and

That the justices of the supreme court are respectfully requested to give their opinion on the questions asked in House Resolution No. 23; and

That the clerk of the house transmit copies of this resolution and copies of the judiciary committee file on the February 3, 1987 hearing on HB 70 to the justices of the New Hampshire supreme court.

Rep. Alf Jacobson, for the Majority of the Committee, moved that HR 31, providing requested definition and factual findings concerning House Bill 70, be reported, Ought to Pass.

Rep. Healy moved that the words, Inexpedient to Legislate, be substituted for the report, Ought to Pass, and spoke to his motion.

Reps. Alf Jacobson, Cahill and Hollingworth spoke against the motion and yielded to questions.

Rep. Dexter spoke in favor of the motion and yielded to questions.

Rep. Chretien spoke against the motion.

Reps. Rodeschin and Palumbo spoke in favor of the motion.

Rep. Phelps moved the previous question. Sufficiently seconded.

Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 226 NAYS 115  
YEAS 226

BELKNAP: Richard Campbell, Dexter, Golden, Hawkins, Holbrook, Jensen, Locke, Pearson, Randall, Lawrence Richardson, Thurston and Turner.

CARROLL: Allard, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Saunders and Schofield.

CHESHIRE: Clark, Jesse Davis, Delano, Doucette, Irvin Gordon, Grodin, Miller, Morse, Parker, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Coulombe, Frederic Foss, Guay, Horton, Marsh, Purrington and Theriault.

GRAFTON: Adams, Blair, Christy, Driscoll, Hammond, Lougee, Ezra Mann, McAvoy, Scanlan, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baker, Baldizar, Bass, Bourque, Boutwell, Bowers, Burkush, A. Leslie Burns, Champagne, Cid, Cowenhoven, Cox, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, Paul Dionne, Domaingue, Donovan, Ducharme, Dykstra, Clyde Eaton, Fields, Nancy Ford, Frank, Gagnon, Gelinis, Genest, Granger, Grip, Guilbert, Hatch, Healy, Holden, Humphrey, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Kurk, Lanzara, Leclerc, Lefebvre, Levesque, Long, Magee, Mason, Bonnie McCann, McGlynn, McRae, Morrisette, Robert Murphy, Packard, Paquette, Pariseau, Perham, Reidy, Herbert Richardson, Sallada, Schneiderat, Shriver, Soucy, Steiner, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk, Ware, Watson, Emma Wheeler, Kenneth Wheeler, Wood and Zajdel.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Fraser, Gross, Kidder, Lewis, Merton Mann, Manus, Millard, Nichols, Phelps, Provencal, Doris Riley, Gerald Smith and Whittemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, William Boucher, Buco, Eunice Campbell, Marilyn Campbell, Carpenito, Lawrence A. Chase, Jr., Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Gosselin, Gourdeau, Haynes, Robert Johnson, Joyce, Roger King, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, McKinney, Newell, Palumbo, Parr, Rosencrantz, Scamman, Schwaner, Sherburne, Simon, Skinner, Sochalski, Splaine, Sytek, Vaughn, Warburton, Welch and Wright.

STRAFFORD: Appleby, Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Patricia Foss, Frechette, Kincaid, Kinney, Koromilas, Lachance, Lussier, McManus, Parks, Ann Torr, Wall and John Young.

SULLIVAN: D'Amante, Domini, Ingram, Krueger, Normandin, Peyron, Rodeschin, Schotanus and Spaulding.

NAYS 115

BELKNAP: Bowler, Malcolm Harrington, Maviglio and Wixson.

CARROLL: Russell Chase, McIntire, Olimpio and Powers.

CHESHIRE: Blacketor, Daschbach, Daniel Eaton, Foster, Frink, Perry, Ramsay, William Riley and Schwartz.

COOS: Kilbride, Mayhew, Nelson and Oleson.

GRAFTON: Arnesen, Bean, Chambers, Copenhaver, Densmore, Michael King, LaMott, Rounds, Stewart and Wadsworth.

HILLSBOROUGH: Lionel Boucher, Buckley, Chretien, Cote, Drolet, Dube, Dwyer, Joseph M. Eaton, Scott Green, Betty Hall, Marian Harrington, Chris Jacobson, Lown, Lozeau, Messier, Moore, Mulligan, O'Rourke, Pappas, Pignatelli, Price, Reardon, Ellen-Ann Robinson, Rodgers, Routhier, Leonard Smith, Winn and Zis.

MERRIMACK: Bardsley, Beaton, Cahill, James Chandler, Fillion, Gilbreth, Douglas Hall, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Burton Knight, Lockwood, Pantzer, Rehlander, Walter Robinson, Stio, Tupper, Wailner and Yeaton.

ROCKINGHAM: Blaisdell, Blanchard, Blanchette, Conroy, Cressy, Thomas Gage, Elizabeth Greene, Hoar, Hollingworth, George Katsakiores, Phyllis Katsakiores, Lovejoy, Pantelakos, Pevear, Popov, Read, Sanderson, Tufts, Weddle, Wells and Woodward.

STRAFFORD: Bates, Anita Flynn, Edward Flynn, Jean, Sandra Keans, Martling, Pelley, Francis Robinson, Spear and Wilson.

SULLIVAN: Behrens, Brodeur, Flint, Lindblade and Sara Townsend, and the motion was adopted.

Rep. Stio notified the Clerk that he inadvertently voted nay and meant to vote yea.

Rep. Trombly notified the Clerk that he wished to be recorded against the substitute motion, Inexpedient to Legislate.

#### HOUSE RESOLUTION NO. 32

providing requested definition and factual findings concerning  
House Bill 70 for an opinion of the justices.

Whereas, House Bill 70, an act prohibiting homosexuals from adopting, being foster parents, or running day care centers, has been introduced and has been amended by the Judiciary committee of the house of representatives and is now pending before the house of representatives for consideration; and

Whereas, in reply to House Resolution No. 23, requesting an opinion of the justices, the supreme court issued an opinion requesting a definition of homosexual, and a statement of factual findings about the nexus between homosexuality and the unfitness of homosexuals as declared by the bill; now, therefore be it;

Resolved by the House of Representatives:

That for the purposes of HB 70, a homosexual is defined as any person who performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another person of the same gender; and

That the general court has chosen over the years to enact statutes relative to adopting children, providing foster care, and licensing day care centers in order to further the best interests of our state's children. These statutory enactments of the state do not involve intrusion into the private lives of consenting adults, but rather further the public and governmental interest in providing for the health, safety, and proper training for children who will be the subject of governmentally approved or licensed activities relating to such children. The general court finds that, as a matter of public policy, the provision of a healthy environment and a role model for our children should exclude homosexuals, as defined by this act, from participating in governmentally sanctioned programs of adoption, foster care, and day care. Additionally, the general court finds that being a child in such programs is difficult



enough without the added social and psychological complexities that a homosexual lifestyle could produce. The general court makes this statement in a deliberative and balanced manner both recognizing the rights of consenting adults, as limited by the Supreme Court of the United States in Bowers v. Hardwick 106 S. Ct. 2841 (1986), and the rights of the children of this state, who are intimately affected by the policies of this state in the above governmentally sanctioned programs, to positive nurturing and a healthy environment for their formative years; and

That in light of this resolution, the justices of the supreme court are respectfully requested to give their opinion on the questions asked in House Resolution No. 23; and

That the justices are further respectfully requested to give their opinion on the question of whether the legislature can properly classify children in the care of the state as a class for purposes of excluding homosexuals from adopting them or serving as foster parents or day care operators; and

That the clerk of the house transmit copies of this resolution and copies of the judiciary committee file on the February 3, 1987, hearing on HB 70 to the justices of the New Hampshire supreme court.

Rep. Dexter moved that HR 32, providing requested definition and factual findings concerning House Bill 70 for an opinion of the justices, be reported, Ought to Pass.

Adopted.

Ordered to third reading.

#### SENATE MESSAGE REQUESTS CONCURRENCE WITH AMENDMENTS

HB 190-FN, relative to district court venue in landlord and tenant actions. (Amendment printed SJ 3/26)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Thomas Gage, Murphy, Koromilas and Hess.

HB 40, relative to bond given to administrators of estates. (Amendment printed SJ 3/26)

Rep. Alf Jacobson moved that the House concur.

Adopted.

#### ENROLLED BILLS AMENDMENTS

HB 138-FN, relative to sunset review of the department of safety - division of motor vehicles.

#### Amendment

Amend the bill by replacing line 4 on page 1 with the following:  
agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error in the bill.

Adopted.

HB 169-FN, relative to sunset review of Maine-New Hampshire interstate bridge authority.

## Amendment

Amend the bill by replacing line 3 of page 1 with the following:  
with RSA 17-G. The agency or program shall terminate on July 1, 1993,

This enrolled bill amendment corrects a typographical error.

Adopted.

HB 110-FN, relative to sunset review of the New Hampshire retirement system.

## Amendment

Amend the bill by replacing line 4 of page 1 with the following:  
1993, subject to RSA 17-G.

This amendment corrects a typographical error.

Adopted.

HB 111-FN, relative to sunset review of the board of accountancy.

## Amendment

Amend the bill by replacing line 3 on page 1 with the following:  
program shall terminate on July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error in the bill.

Adopted.

HB 115-FN, relative to sunset review of regulation of electricians.

## Amendment

Amend the bill by replacing line 4 on page 1 with the following:  
terminate on July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error in the termination date.

Adopted.

HB 118-FN, relative to sunset review of board of optometry.

## Amendment

Amend the bill by replacing line 3 on page 1 with the following:  
agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error in the bill.

Adopted.

HB 119-FN, relative to sunset review of pharmacy commission.

## Amendment

Amend the bill by replacing line 3 on page 1 with the following:  
agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error.

Adopted.

Rep. Rounds moved that further reading be suspended of the Enrolled Bills Amendments to HBs 121, 128, 129, 130, 137, 139, 140, 141, 172 and 176, and that they be adopted by this motion.

Adopted.

HB 121-FN, relative to sunset review of board of registration of podiatrists.

## Amendment

Amend the bill by replacing line 4 on page 1 with the following:  
July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error in the termination date.

HB 128-FN, relative to sunset review of civil defense.

## Amendment

Amend the bill by replacing line 3 on page 1 with the following:  
July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error.

HB 129-FN, relative to sunset review of disaster office.

## Amendment

Amend the bill by replacing line 3 on page 1 with the following:  
terminate on July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error.

HB 130-FN, relative to sunset review of the fire standards and training commission.

## Amendment

Amend the bill by replacing line 4 on page 1 with the following:  
17-G. The agency or program shall terminate on July 1, 1993, subject to

This amendment corrects a typographical error.

HB 137-FN, relative to sunset review of the department of safety - administration and support.

## Amendment

Amend the bill by replacing line 4 on page 1 with the following:

The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error.

HB 139-FN, relative to sunset review of the police standards and training council.

## Amendment

Amend the bill by replacing line 4 on page 1 with the following:

terminate on July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error.

HB 140-FN, relative to sunset review of the police standards and training council - corrections.

## Amendment

Amend the bill by replacing line 4 on page 1 with the following:

The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error in the termination date.

HB 141-FN, relative to sunset review of the commission on human rights.

## Amendment

Amend the bill by replacing line 3 on page 1 with the following:

RSA 17-G. The agency or program shall terminate on July 1, 1993, subject

This amendment corrects a typographical error in the bill.

HB 172-FN, relative to sunset review of New Hampshire housing finance authority.

## Amendment

Amend the bill by replacing line 3 on page 1 with the following:

17-G. The agency or program shall terminate on July 1, 1993, subject to

This amendment corrects a typographical error in the bill.

HB 176-FN, relative to sunset review of state board of auctioneers.

## Amendment

Amend the bill by replacing line 3 on page 1 with the following:

program shall terminate on July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error in the termination date. Rep. Guay abstained from voting under Rule 16.

Reps. McIntire and Schofield offered the following:

HOUSE RESOLUTION NO. 33

commending the boys' varsity basketball team  
of Moultonborough Academy.

WHEREAS, on March 6, 1987, the boys' varsity basketball team of Moultonborough Academy defeated Calvary Christian School, 50-38, to win the Class S State Championship, boosting its season record to twenty-one wins against no losses, and

WHEREAS, the victory brought to Moultonborough Academy its first Class S State Basketball Championship, and

WHEREAS, during the past three seasons, the boys' varsity basketball team of Moultonborough Academy has compiled a record of fifty-eight wins against only four losses, and

WHEREAS, the 1987 Championship Team, led by Tri-Captains Rich Avery, Pete Hopkins and Matt Swedberg, had a well-balanced scoring attack, averaging sixty-nine points per game, and

WHEREAS, Tri-Captain Matt Swedberg was named "Mister Basketball" by the New Hampshire Coaches' Association, and

WHEREAS, the 1987 Championship Team was capably guided by Head Coach Garry Tirone and Assistant Coaches Harry Blood and Marty Zarli, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the Boys' Varsity Basketball Team of Moultonborough Academy be publicly recognized and applauded on winning the 1987 Class S State Championship, and be it further

RESOLVED, that the coaches and players receive highest praise for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Moultonborough Academy.

Unanimously adopted.

UNANIMOUS CONSENT

Rep. Healy addressed the House by Unanimous Consent.

Rep. Bates moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 7 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 295-FN, relative to the board of tax and land appeals.

HB 347-FN-A, relative to the dental hygienist program at the New Hampshire technical institute and making an appropriation therefor.

HB 348-FN-A, relative to the division for children and youth services and appropriating funds for certain employee benefits.

HB 508, authorizing transfers within a program appropriation unit of the department of health and human services.



HB 624, relative to survivors' benefits of New Hampshire permanent firemen's retirement system members receiving disability retirement benefits.

HB 629-FN, relative to the administration and investments of the New Hampshire retirement system.

SB 65, repealing the authorization for a committee to investigate the confinement of children.

SB 57, relative to change of name and address of a corporation.

SB 235-FN, relative to municipal and county bonds.

SB 12, relative to the operation of motors on Clarksville Pond in the town of Clarksville.

SB 29, relative to the appointment of a caretaker for the "Old Man of the Mountain."

HB 100-A, making appropriations for capital improvements.

HB 200-A, making appropriations for capital improvements.

HB 263-FN-A, establishing the arts development program and making an appropriation therefor.

HB 284-FN-A, making an appropriation for a conference on day care.

HB 373-FN-A, relative to family life education and making an appropriation therefor.

HR 32, providing requested definition and factual findings concerning House Bill 70 for an opinion of the justices.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 12:47 p.m.

RECESS

(Rep. Palumbo in the Chair)

SENATE MESSAGE  
REQUESTS CONCURRENCE

SB 201-FN-A, relative to boat speeds on public waters and making an appropriation therefor.

SB 134-FN-A, to commission a study of an environmental risk insurance fund and making an appropriation therefor.

SB 202-FN, relative to the state treasurer and the secretary of state.

SB 220-FN, relative to redemption after a tax sale.

SB 161-FN, relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor.

SB 200-FN, permitting group II state employee members who reach age 60 to make an election for retirement benefits.

SB 180-FN-A, relative to restoring the original state house and making an appropriation therefor.

SB 78-FN-A, relative to benefits for a spouse upon the death of a retired group II member.

SB 196-FN-A, relative to health hazards in the home and making an appropriation therefor.

SB 145-FN, relative to study of the state classification system and making an appropriation therefor and directing the facilities committee to conduct a study of salaries for unclassified state employees and making an appropriation therefor.

SB 121-FN, authorizing the attorney general to undertake proceedings on behalf of resident taxpayers of this state regarding certain taxes imposed by the state of Maine.

SB 219-FN-A, relative to a state operated multiple DWI offender minimum security detention center and making an appropriation therefor.

SB 192-FN, relative to the membership of the legislative fiscal committee and the legislative budget assistant and making an appropriation therefor.

SB 212-FN-A, increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor.

SB 10-A, permitting state participation in a Clean Water Act State Revolving Loan Fund.

SB 6-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor.

SB 74-A, relative to the port authority.

SB 75-A, authorizing the study of the feasibility of reconstructing U. S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor.

SB 112-A, making an appropriation to the department of safety for certain capital improvements.

SB 151-A, relative to traffic improvements at the intersection of New Hampshire routes 9 and 155 and making an appropriation therefor.

SB 187-FN-A, relative to the Weeks traffic circle.

SB 128-A, authorizing the construction of a Keene bypass extension and making an appropriation therefor.

SB 125-FN, to appropriate funds for ocean disposal of Rye Harbor dredge material.

SB 175-FN, providing a cost of living increase for New Hampshire retirement system and teachers' retirement system members.

SB 142-FN-A, increasing rates for shared homes and certain residents of community living homes and making an appropriation therefor.

Rep. Kidder offered the following resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 201, 134, 202, 220, 161, 200, 180, 78, 196, 145, 121, 219, 192, 212, 10, 6, 74, 75, 112, 151, 187, 128, 125, 175 and 142, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

#### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 201-FN-A, relative to boat speeds on public waters and making an appropriation therefor. (Transportation)

SB 134-FN-A, to commission a study of an environmental risk insurance fund and making an appropriation therefor. (Commerce, Small Business and Consumer Affairs)

SB 202-FN, relative to the state treasurer and the secretary of state. (Executive Departments and Administration)

SB 220-FN, relative to redemption after a tax sale. (Municipal and County Government)

SB 161-FN, relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor. (Executive Departments and Administration)

SB 200-FN, permitting group II state employee members who reach age 60 to make an election for retirement benefits. (Executive Departments and Administration)

SB 180-FN-A, relative to restoring the original state house and making an appropriation therefor. (Public Works)

SB 78-FN-A, relative to benefits for a spouse upon the death of a retired group II member. (Executive Departments and Administration)

SB 196-FN-A, relative to health hazards in the home and making an appropriation therefor. (Health and Human Services)

SB 145-FN, relative to study of the state classification system and making an appropriation therefor and directing the facilities committee to conduct a study of salaries for unclassified state employees and making an appropriation therefor. (Executive Departments and Administration)

SB 121-FN-A, authorizing the attorney general to undertake proceedings on behalf of resident taxpayers of this state regarding certain taxes imposed by the state of Maine. (Judiciary)

SB 219-FN-A, relative to a state operated multiple DWI offender minimum security detention center and making an appropriation therefor. (Judiciary)

SB 192-FN, relative to the membership of the legislative fiscal committee and the legislative budget assistant and making an appropriation therefor. (Legislative Administration)

SB 212-FN-A, increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor. (Resources, Recreation and Development)

SB 10-A, permitting state participation in a Clean Water Act State Revolving Loan Fund. (Resources, Recreation and Development)

SB 6-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor. (Environment and Agriculture)

SB 74-A, relative to the port authority. (Transportation)

SB 75-A, authorizing the study of the feasibility of reconstructing U. S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor. (Public Works)

SB 112-A, making an appropriation to the department of safety for certain capital improvements. (Public Works)

SB 151-A, relative to traffic improvements at the intersection of New Hampshire routes 9 and 155 and making an appropriation therefor. (Public Works)

SB 187-FN-A, relative to the Weeks traffic circle. (Public Works)

SB 128-A, authorizing the construction of a Keene bypass extension and making an appropriation therefor. (Public Works)

SB 125-FN, to appropriate funds for ocean disposal of Rye Harbor dredge material. (Appropriations)

SB 175-FN, providing a cost of living increase for New Hampshire retirement system and teachers' retirement system members. (Executive Departments and Administration)

SB 142-FN-A, increasing rates for shared homes and certain residents of community living homes and making an appropriation therefor. (Health and Human Services)

RECESS

(Deputy Speaker Burns in the Chair)

Rep. Palumbo moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 18

*Tuesday, 7Apr87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Burns.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Merciful God, as we gather safely in this place, relatively warm and dry, we pause and remember those who have stood powerless before the rage of the rains and the floods.

We hold before You the anguish of those whose lives have been imperiled; those who have abandoned homes and possessions and have fled to safety.

Grant, gracious Protector, that we may reach out as Your spirit guides us: to extend compassion to all who endure the trials of life, and never to turn away from the suffering of those who dwell beside us.

As we are gathered here, intrude upon us when we are tempted to close out the real world, with its real people and real needs. In humble confidence we pray. Amen.

Rep. Theriault led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Nagel, George Gordon and Boisvert, the day, illness.

Reps. Dickinson, Haynes, Behrens, Buco, Joyce, Drake, Nichols, Hounsell, Brady, Brown, Walker, Seward, Prestipino, Dearborn, Tupper, Vaughn, Nixon, Gelinas, Roger King and Laurion, the day, important business.

Rep. Woodward, the day, death in the family.

Reps. Joseph MacDonald, Walter and West, the day, illness in the family.

Reps. Flanagan, Boutwell, Moore, Simon, Doucette and Cid, the day, flood emergency.

## INTRODUCTION OF GUESTS

Members of the Amherst Women's Republican Club, guests of Reps. Holden, Lown and Tarpley; Ruth Phelps, sister of Rep. Phelps; Samantha Briggs and Kim Lang, guests of Rep. Palumbo; Executive Councilor from Portsmouth, Ruth Griffin, guest of Rep. Harold Burns; Mrs. Richard J. Partington, Mrs. John W. Baum, Sarah Smith, Marion Kittredge, Mrs. Edward Tucker, Charles Marston, Michael Morgan, members of the New Hampshire Daughters of the American Revolution, Dr. and Mrs. Richard F. Hattan and Miss Eileen Hattan, guests of Reps. Bardsley and Phelps.

Reps. Bardsley and Phelps offered the following:

## HOUSE RESOLUTION NO. 34

honoring Eileen Hattan of Salisbury.

WHEREAS, Eileen Hattan, a Salisbury resident and a senior at Bishop Brady High School in Concord, has been named recipient of the 1987 Citizenship Award annually presented in national competition by the Daughters of the American Revolution, and

WHEREAS, this prestigious honor was bestowed on Eileen Hattan for her outstanding leadership, dependability, service and patriotism in her home, school and community, and

WHEREAS, Eileen Hattan was selected from among eighty-four high school seniors in the fifty states, and she is only the second New Hampshire student so honored since 1934 when the Citizenship Award was first presented by the Daughters of the American Revolution, and

WHEREAS, Eileen Hattan is an outstanding young woman with many achievements to her credit, including being an honors student, President of her senior and junior classes, President of the Bishop Brady Chapter of the National Honor Society, and Captain and Most Valuable Player of the varsity field hockey team, and

WHEREAS, Eileen Hattan has received several academic awards including the Wellesley Book Award, the Dartmouth College Book Award, and awards for United States History and for Algebra, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Eileen Hattan be publicly recognized and lauded for her outstanding achievement of being named winner of the Citizenship Award, and be it further

RESOLVED, that Eileen Hattan receive highest praise and acclamation for bringing honor to New Hampshire, to Bishop Brady High School, to the Town of Salisbury, and to herself, and that a suitable copy of this Resolution be prepared for presentation to her.

Unanimously Adopted.

SENATE MESSAGES  
CONCURRENCE

HB 426, allowing the rendition pursuant to the Interstate Compact on Juveniles of a juvenile charged with delinquency.

HB 94, relative to real estate attachments.

HB 99-FN, relative to district court sessions in towns within a district.

HB 328-FN-A, relative to business profits tax liens.

HB 609-FN, relative to the New Hampshire National Guard.

HB 644, relative to zoning exemptions for certain utility structures.

HB 431, relative to treasury deposits.

HB 526-FN, establishing a department of safety.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 565-FN, relative to off highway recreational vehicles. (Amendment printed SJ 3/26)

Rep. Rounds moved that the House concur and yielded to Rep. Scanlan who yielded to questions.

Adopted.

HB 78-FN, relative to flying the POW-MIA flag over the state house. (Amendment printed SJ 4/2)

Rep. Benton moved that the House concur and yielded to questions.

Adopted.



Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 216-FN, requiring all moneys received for the driver training fund to be expended on driver education only, with any excess to be lapsed into the highway fund, was removed at the request of Rep. Burton Knight.  
Adopted.

HB 103-FN, transferring the administrative procedures division of the office of legislative services to the jurisdiction of the joint legislative committee on administrative rules and making an appropriation therefor and amending the administrative procedure act. (A) Ought to Pass with Amendment.

The policy part of this bill has been amended at the request of the policy committee. The remainder of the amendment deletes the appropriation since it is already contained in HB 300, the budget.  
Vote 19-0. Rep. Caroline L. Gross for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to sunset review of the office of legislative services -  
administrative procedures division and amending  
the administrative procedure act.

Amend the bill by replacing all after the enacting clause with the following:

1 Sunset; Office of Legislative Services - Administrative Procedures Division Renewed. Office of legislative services - administrative procedures division, PAU 01020202 (formerly PAU 01020401) is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

2 Effect of Later Enactments. Passage of this act renewing office of legislative services - administrative procedures division shall not limit any subsequent legislative action affecting this agency or program. The general court shall retain its full power to make amendments to or to terminate office of legislative services - administrative procedures division, pursuant to RSA 17-G:9.

3 Interim Rules. Amend the introductory paragraph of RSA 541-A:3 to read as follows:

Except for interim or emergency rules, an agency shall adopt a rule by:

4 Fiscal Impact Statement. RSA 541-A:3-a, 1 is repealed and reenacted to read as follows:

I. (a) The agency shall provide the legislative budget assistant with adequate details of the intended action and supporting data to enable him to prepare a fiscal impact statement.

(b) The legislative budget assistant shall develop a form which shall specify the details and supporting data necessary for him to assess the fiscal impact of the proposed rule.

(c) The legislative budget assistant shall establish a schedule of deadlines for submission of the fiscal impact form, and the agency shall file the completed form with both the legislative budget assistant and the director of legislative services in accordance with such deadlines.

(d) The fiscal impact statement issued by the legislative budget assistant shall not be limited to dollar amounts, but shall include a discussion of the methodology used by him and the agency to reach any stated amounts. In addition, the fiscal impact statement shall consist of:

(1) A narrative stating the costs and benefits to the citizens of the state and to the political subdivisions of the intended action.

(2) A conclusion as to the cost or benefit to the state general fund or any state special fund of taking the intended action.

(3) An explanation of, and citation to, the federal mandate for the proposed rule, if there is such a mandate, and how that mandate affects state funds.

(4) A comparison of the cost of the proposed rule with the cost of the existing rule, if there is an existing rule.

(5) An analysis of the general impact of the proposed rule upon any independently owned business, including a description of the specific reporting and recordkeeping requirements upon small businesses which employ fewer than 10 employees.

5 Rule; Forms. Amend RSA 541-A:3-a, III to read as follows:

III. The agency shall give at least 20 days' notice of its [intention to file a final proposal to adopt, amend or repeal] intent to hold an oral hearing or to establish a cut-off date for the submission of written testimony on any proposed adoption, amendment or repeal of a rule. The required 20-day notice period shall begin on the date of publication in the rulemaking register. The notice shall be in such form as the director of legislative services shall prescribe and shall include:

- (a) the name and address of the agency;
- (b) the statutory authority for the rule;
- (c) whether the intended action is an adoption, amendment,

or repeal;

- (d) the rule number and title;

(e) the date of intention [to file a final proposal] to hold a hearing or the cut-off date for the submission of written materials to the agency;

- (f) a concise summary explaining the effect of the rule;

(g) A listing of people, enterprises, and government agencies affected by the rule;

- (h) a summary of the effect upon the state if the rule were

not adopted;

(i) the name, address and telephone number of an individual in the agency able to answer questions on the proposed rule;

- [(j)] the deadline for the submission of written materials

to the agency;

(k) the time when, the place where, and the manner in which interested persons may present their views on the proposed rule;] and

[(l)] [(j)] the fiscal impact statement completed by the legislative budget assistant.

6 Rulemaking Register; Weekly. Amend the introductory paragraph of 541-A:3-a, V to read as follows:

V. The director of legislative services shall publish [at least monthly] weekly a rulemaking register which shall contain:

7 Register Available. RSA 541-A:3-a, VI is repealed and reenacted to read as follows:

VI. The register shall be made available upon request to agencies and officials of this state free of charge and to other persons at prices fixed by the director of legislative services to cover mailing and publication costs.

8 Filing. Amend RSA 541-A:3-a, VIII to read as follows:

VIII. The agency shall conform to a uniform system of numbering and drafting. The director of legislative services shall have the authority to develop a uniform system of drafting and numbering for agency rules, and may require any agency to rewrite any rule submitted for filing to conform to this uniform system before that rule may be [filed under RSA 541-A:3-a, VII] adopted and filed under RSA 541-A:3-f.

9 Hearing; Rulemaking. Amend the introductory paragraph of RSA 541-A:3-c, I to read as follows:

1. Each agency shall afford all interested persons reasonable opportunity to submit data, views or arguments in writing in accordance with the terms of the notice. Opportunity for oral hearing shall be granted if the agency's rulemaking authority requires an oral hearing, or if requested in writing within 14 days after publication in the rulemaking register by [:] any group or entity listed in subparagraphs (a) through (d), in which case the agency shall give 20 days' notice of the requested hearing in the rulemaking register. The following groups or entities may request an oral hearing:

10 Final Proposal. Amend RSA 541-A:3-d, 1 to read as follows:

1. After considering public comment as required in RSA 541-A:3-c, an agency shall establish the text of the final proposal [on the date established under RSA 541-A:3-a, III(e), and file the final proposal with the director of legislative services no later than 7 days beyond that date. Failure to file within 7 days shall invalidate the rulemaking notice, and the agency shall be required to begin the rulemaking proceeding over again if it still intends to adopt the proposed rule] no later than 120 days from publication of the notice in the rulemaking register. The agency shall file the final proposal with the director of legislative services who shall place it on the agenda for the next regularly-scheduled committee meeting. If, however, the final proposal is filed within the 14 days before a regularly-scheduled committee meeting, the director shall place the final proposal on the agenda for the next regularly-scheduled meeting.

11 Legislative Committee Review. Amend RSA 541-A:3-e, 1 and II to read as follows:

I. Within [30] 45 days of the filing of a final proposal with the director of legislative services, the legislative committee on administrative rules may approve the rule or object under paragraph V. Objections to a rule may be made only once.

II.(a) If the committee approves the rule, it shall notify the agency in writing of its approval.

(b) Failure to give notice of either approval or objection at the end of the [30] 45 day period shall be deemed approval.

12 Review Procedures. Amend RSA 541-A:3-e, V(b) to read as follows:

(b) If the committee makes a preliminary objection to the rule, the agency may cure the defect and adopt the rule or it may adopt the rule without change. In either case, the agency shall[, within 14 days of receiving notice of the preliminary objection, respond to the committee] respond to a committee objection only once, and shall report its response in writing to the committee at its next regularly scheduled monthly meeting. Failure to respond to the committee in accordance with this subparagraph shall mean the rulemaking procedure for that proposed rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule. After receipt of [this] the agency response, the committee may withdraw or modify its objections under paragraph IV.

13 Final Adoption. Amend RSA 541-A:3-f, 1(a) to read as follows:

(a) The passage of [30] 45 days from filing of a final proposal under RSA 541-A:3-d without receiving notice of objection from the legislative committee on administrative rules; or

14 Final Proposed Rule; Changes. Amend RSA 541-A:3-f, 11 to read as follows:

11. The text of the adopted rule shall be the same as the text of the final proposed rule submitted under RSA 541-A:3-d, except that any [germane] specific change may be made by the agency in direct response [to an objection or expressed concern of the legislative committee on administrative rules] to the committee's written objection. The director of legislative services may refuse to accept for filing any final rule

which contains changes, other than minor editorial changes, that are not specifically authorized in the committee's written objection.

15 Filing of Adopted Rules. Amend RSA 541-A:3-f, III to read as follows:

III. The agency shall file all adopted rules with the director of legislative services. Such rules shall become effective upon filing[,], or at a later date, provided the agency so specifies in a letter to the director of legislative services. The director shall maintain a file of all currently effective rules which shall be open to the public.

16 Emergency Rules. Amend RSA 541-A:3-g, I to read as follows:

I. If an agency finds that an imminent peril to the public health or safety requires adoption of a rule with [fewer than 20 days' notice] less notice than is required under RSA 541-A:3-a and states in writing its reasons for that finding, it may proceed to adopt an emergency rule. The rule may be adopted without having been filed in proposed or final proposed form and may be adopted after whatever notice and hearing the agency finds to be practicable under the circumstances. The agency shall make reasonable efforts to ensure that emergency rules are made known to persons who may be affected by them.

17 New Section; Interim Rules. Amend RSA 541-A by inserting after section 3-i the following new section:

541-A:3-j Interim Rules.

I. An agency may adopt as an interim rule any rule which is designed solely to bring the language of an existing rule into conformity with:

(a) A statute which has been enacted or amended since the adoption of the existing rule in order to make the existing rule consistent with the wording of the statute;

(b) A controlling judicial decision; or

(c) A federal requirement which must be met sooner than the time periods of RSA 541-A allow.

II. An agency may also adopt as an interim rule any rule necessary to implement a newly-enacted statute when the agency's newly delegated rulemaking authority under that statute does not take effect in time for the agency to meet the notice requirements of RSA 541-A.

III. An agency may adopt an interim rule without meeting the requirements of RSA 541-A:3-a through RSA 541-A:3-d, provided the agency:

(a) gives notice of its intent in a newspaper of daily statewide circulation at least 7 days in advance of filing the rule with the committee for review under RSA 541-A:3-e; and

(b) files the notice with the committee and the legislative budget assistant, and the director of legislative services.

IV. An interim rule shall be filed as a final proposal for committee review under RSA 541-A:3-e, and shall be reviewed by the committee as if it were a final proposal. In addition to the criteria listed in RSA 541-A:3-e, IV, the committee may object to an interim rule on the basis it does not meet the requirements of paragraph I or II, provided that an agency shall not adopt an interim rule over the committee's objection, and provided further that such objection shall not preclude allowing the agency to adopt the substance of an interim rule by meeting the requirements of RSA 541-A:3.

V. An interim rule shall become effective upon filing with the director of legislative services; however, no interim rule shall be accepted for filing unless it has been approved by the committee. Interim rules shall be effective for a period not to exceed 90 days. During the time an interim rule is in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it shall not adopt the interim rule again as an interim rule when the interim rule expires.

VI. Interim rules filed as final proposals under this section shall include a cover sheet stating:

- (a) The name and address of the agency.
- (b) The statutory authority for the rule.
- (c) Whether the intended action is an adoption, amendment,

or repeal.

- (d) The rule number and title.
- (e) A signed and dated statement by the adopting authority explaining why an interim rule is necessary, including documentary evidence to prove the agency is acting in accordance with the terms of this section and is not adopting an interim rule solely to avoid the time periods imposed by RSA 541-A.

- (f) A listing of people, enterprises, and government agencies affected by the rule.

- (g) The name, address, and telephone number of an individual in the agency able to answer questions on the rule.

18 Rulemaking Register; Special Issue. Amend RSA 541-A:11, III to read as follows:

III. The legislative committee on administrative rules may hold public hearings on a proposed or previously adopted rule on its own initiative. The committee shall give public notice of any hearing at least 7 days in advance [through a special issue of] in the rulemaking register [which shall be published solely for that purpose]. Any public hearing shall be scheduled at a time and place chosen to afford opportunity for affected persons to present their views. As appropriate, the legislative committee on administrative rules may consult with the standing legislative committee having jurisdiction in the area of the rule under review.

19 Limitations on Authority. Amend RSA 541-A:12, III, to read as follows:

III. An agency shall not by rule:

- (a) Provide for penalties, fines or imprisonment[;].
- (b) Require licenses, [unless specifically authorized by other law; or] as defined in RSA 541-A:1, VII, unless authorized by a law which uses one of the specific terms listed in RSA 541-A:1, VI[;].
- (c) [grant routine waivers of, or variances from, any provisions of its rules without either amending the rules, or providing by rule for a waiver or variance procedure. The duration of the waiver or variance may be temporary if the rule so provides.] Require fees unless specifically authorized by a statute enforced or administered by an agency. Specific authorization shall not include the designation of agency fee income in the operating budget when no other statutory authorization exists.

- (d) Provide for non-consensual inspections of private property, unless the statute enforced or administered by the agency specifically grants inspection authority.

- (e) Delegate its rulemaking authority to anyone other than the agency named in the statute delegating authority.

- (f) Adopt rules under another agency's authority.

- (g) Expand or limit a statutory definition affecting the scope of who may practice a profession.

20 New Paragraph; Waivers. Amend RSA 541-A:12 by inserting after paragraph III the following new paragraph:

IV. No agency shall grant routine waivers of, or variances from, any provisions of its rules without either amending the rules, or providing by rule for a waiver or variance procedure. The duration of the waiver or variance may be temporary if the rule so provides.

21 Repeal. The following are repealed:

- I. RSA 541-A:2, II(c), relative to the filing of an organizational chart, is repealed.

- II. RSA 541-A:5, III, relative to the availability of the register.

22 Effective Date. This act shall take effect upon its passage.



## AMENDED ANALYSIS

The bill, as amended, renews the administrative procedures division of the office of legislative services for 6 years.

The bill, as amended, also amends RSA 541-A, the Administrative Procedure Act, to do the following:

(1) Clarify what is required in, and permits the legislative budget assistant to develop a form for, fiscal impact statements.

(2) Lower the requirement of analyzing the impact of fiscal impact statements on recordkeeping for small businesses to apply to businesses with fewer than 10, rather than 150, employees.

(3) Require weekly publication of the rulemaking register.

(4) Set a time of 120 days from publication in the rulemaking register to the agency's establishment of the text.

(5) Change the 30-day time for committee approval to 45 days, and specifies that an agency may respond to a committee objection only once. Failure to respond invalidates the rulemaking process for the rule in question.

(6) Establish that any changes to the text of a final proposed rule may only be made in direct response to the committee's written objection.

(7) Add a new section permitting interim rules under special circumstances, and specifies what information must be submitted with an interim rule.

(8) Prohibit requiring fees or allowing most inspections of private property unless specifically authorized by other law.

(9) Repeal an obsolete section on the filing of organizational charts.

HB 133-FN, relative to sunset review of state liquor commission - merchandising and relative to the state liquor commission. (A) Ought to Pass.

The Committee has made no changes in this bill. Although the Liquor Commission suggested technical amendments, there was insufficient time to process them and they can be re-submitted in the Senate. Vote 19-0. Rep. Caroline L. Gross for Appropriations.

HB 144-FN, relative to sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles. (A) Ought to Pass with Amendment.

The amendment assures that the newly-trained OHRV personnel will not be put in Group 11 of the retirement system. Vote 17-0. Rep. Elizabeth Hager for Appropriations.

## Amendment

Amend the bill by replacing section 1 with the following:

1 Sunset; Department of Resources and Economic Development - Bureau of Off-Highway Recreational Vehicles Renewed. The department of resources and economic development - bureau of off-highway recreational vehicles, PAU 030305 (formerly PAU 030306), is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing all after section 6 with the following:

7 Definitions. Amend RSA 188-F:23, I to read as follows:

1. "Police officer" means any appointed or elected employee of a police department or any appointed employee of a sheriff's department, the fish and game department, the bureau of off-highway recreational vehicles, department of resources and economic development, the

department of safety, or any special agent appointed by the state liquor commission which is administered by the state or any of its political subdivisions and who is responsible for the prevention, detection or prosecution of crime or the enforcement of the penal, traffic, highway, boating, liquor or bingo, [and] lucky 7 and off-highway recreational vehicles laws of this state or any of its political subdivisions.

I-a. Notwithstanding the provisions of RSA 188-F:23, I, an employee of the bureau of off-highway recreational vehicles, department of resources and economic development, shall not be construed to be a permanent policeman for purpose of membership in group II of the retirement system.

8 New Paragraph; Training Required. Amend RSA 188-F:27 by inserting after paragraph VII the following new paragraph:

VIII. Any department of resource and economic development, bureau of off-highway recreational vehicles employee who has the power to enforce the provisions of RSA 215-A and criminal laws under RSA 594 shall not be required to meet the requirements of paragraphs I and II; however any bureau of off-highway recreational vehicles officer serving as a forest and park patrol officer shall complete such limited programs as may be prescribed by rule adopted under RSA 541-A by the police standards and training council under this section. All bureau of off-highway recreational vehicles forest and park patrol officers serving under appointment as of January 1, 1987, shall not be required to take training in excess of 80 hours per year.

9 New Paragraph; Definitions. Amend RSA 100-A:1 by inserting after paragraph VII-c the following new paragraph:

VII-d. Notwithstanding the provisions of paragraph VII, no employee of the bureau of off-highway recreational vehicles, department of resources and economic development, shall be construed to be a group II member of the retirement system.

10 Incumbent Grandfathered. Notwithstanding the provisions of section 7 and section 9 of this act, the incumbent chief supervisor of the bureau of off-highway recreational vehicles, shall remain in the classification of the retirement system of which he is a member on the effective date of this act.

11 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews the department of resources and economic development-bureau of off-highway recreational vehicles for 6 years.

This bill, as amended, also makes certain changes in the responsibilities and rulemaking authority of the supervisor of the bureau. It requires a bureau impact study, an environmental study, and an annual report to the house and senate on the performance of the bureau.

This bill, as amended, also changes the definition of a police officer to include employees of the bureau and requires police training for bureau employees.

HB 157-FN, relative to sunset review of the board of education -- general instruction, school district evaluation guidelines, and making an appropriation therefor. (A) Ought to Pass with Amendment.

The amendment takes the appropriation out of the bill. It was determined that the Department of Education currently has sufficient staff to carry out general construction and school district evaluation programs. Vote 18-0. Rep. Jeffrey C. Miller for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to sunset review of the board of education - general instruction, school district evaluation guidelines.

Amend the bill by deleting section 5 of the bill and renumbering section 6 to read as section 5.

HB 173-FN, relative to sunset review of the postsecondary education commission - nursing scholarship program, requirements for the nursing scholarship program, and a leveraged incentive program. (A) Ought to Pass with Amendment.

This bill reestablishes the nursing scholarship program under the Postsecondary Education Commission. In addition, wording to define the leveraged incentive grant program is included which gives the Commission authority to administer grants for students who have completed a year of post-secondary school and are full-time in continuing their college education. Vote 17-0. Rep. Patricia O. Sanderson for Appropriations.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to sunset review of the postsecondary education commission - nursing scholarship program, requirements for the nursing scholarship program, and a leveraged incentive program.

Amend section 1 of the bill by replacing it with the following:

1 Sunset; The Postsecondary Education Commission - Nursing Scholarship Program Renewed. The postsecondary education commission - nursing scholarship program is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

Amend the bill by replacing all after section 2 with the following:

3 Requirements; Nursing Scholarship Program. Amend RSA 188-D:16 to read as follows:

188-D:16 Requirements. Recipients shall be chosen only on the basis of financial need. Each loan recipient shall sign a note to the state treasurer for the amount of each payment. [The note shall be endorsed by a responsible adult.] The commission may require recipients to agree in writing to work as nurses in New Hampshire for a substantial period following completion of their training.

4 New Subdivision; Leveraged Incentive Grants. Amend RSA 188-D by inserting after section 32 the following new subdivision:

## Leveraged Incentive Grants

188-D:33 Program Established. The New Hampshire leveraged incentive grant program is hereby established for the benefit of students pursuing programs of study at accredited colleges within the state.

188-D:34 Administration of Program. The postsecondary education commission shall administer the New Hampshire leveraged incentive grant program in accordance with state rules and accounting procedures and shall have the authority to:

- I. Conduct the program authorized under this subdivision.
- II. Disburse moneys in accordance with the subdivision.
- III. Adopt rules under RSA 541-A relative to making grants and administering the program.

188-D:35 Grants; Discrimination Prohibited.

I. The postsecondary education commission shall distribute funds, which shall be matched dollar for dollar by institutional funds, to accredited New Hampshire colleges under this program. The colleges shall use these funds to make grants to full-time undergraduate students who are New Hampshire residents and who have completed their freshman year. Awards shall be made to students on the basis of merit and need. The distribution of funds to institutions shall be made on a fair and equitable basis by the postsecondary education commission in accordance with a formula developed by the commission.

11. No person shall be excluded from participation in, or denied the benefits of, this program because of race, color, age, sex or national origin.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renews the postsecondary education commission - nursing scholarship program for 6 years. This bill, as amended, deletes the requirement that recipients of nursing scholarship loans have their notes endorsed by a responsible adult.

The amendment also establishes a leveraged incentive grant program within the commission, to assist full-time undergraduate students.

HB 174-FN, relative to sunset review of postsecondary education commission - war orphans scholarships. (A) Ought to Pass.

This bill renews Postsecondary Education Commission - War Orphans Scholarships for six years and increases each grant to \$1,000. The money to fund the grants is in the budget. Vote 18-0. Rep. Patricia O. Sanderson for Appropriations.

HB 238-FN-A, relative to establishing a memorial to Christa McAuliffe and making an appropriation therefor. Ought to Pass with Amendment. The Committee supports the idea of a memorial for Christa McAuliffe, but does not know the exact price at this time. The bill has therefore been amended to carry an appropriation of \$1 until further information is available. Vote 16-0. Rep. Donna P. Sytek for Appropriations.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sum of \$1 is hereby appropriated for the biennium ending June 30, 1989, for the purposes of establishing a planetarium in memory of Christa McAuliffe. Such funds shall be nonlapsing. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill, as amended, appropriates \$1 for the biennium for the purposes of establishing a planetarium in memory of Christa McAuliffe.

HB 255-FN-A, dedicating a portion of the federal Wallop-Breaux funds, with state matching funds, for the establishment of boat launching access and making an appropriation therefor. (A) Ought to Pass with Amendment.

The amendment reduces general fund spending to \$75,000 each year (from \$162,500 each year) to match federal funds to be used for boat launching access. Vote 17-0. Rep. Elizabeth Hager for Appropriations.

#### Amendment

Amend paragraph 1 of section 2 of the bill by replacing it with the following:

1. The sum of \$300,000 is hereby appropriated to the department of fish and game for each of the fiscal years ending June 30, 1988, and June 30, 1989, for the purposes of section 1 of this act. The appropriation shall be as follows:

	<u>FY 88</u>	<u>FY 89</u>
Class 041 Audit fund set aside	450	450
Class 090 Boat launching access	299,550	299,550
Total	300,000	300,000

Estimated source of funds for fish and game

Class 000 Wallop-Breaux funds	225,000	225,000
General fund	75,000	75,000
Total	300,000	300,000

#### AMENDED ANALYSIS

This bill, as amended, establishes a special account consisting of federal funds received by the state under the Wallop-Breaux Act and a state matching appropriation of \$150,000 for the purpose of land acquisition and construction of boat launching sites on all bodies of water of the state.

The total appropriation for the biennium is \$600,000, of which 75 percent are federal funds and 25 percent are state matching funds.

HB 292-FN, permitting permanent policemen who serve as field representatives for the police standards and training council and permanent firemen who serve with the fire standards and training commission to continue as group II members of the New Hampshire retirement system. (A) Ought to Pass with Amendment.

As amended by the Committee, this bill would permit anyone who has ten creditable years as a member of Group II to accept a full time training position with either Police Standards and Training or Fire Standards and Training without giving up Group II membership. Vote 17-0. Rep. Caroline L. Gross for Appropriations.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Group II Members. Amend RSA 100-A:3 by inserting after paragraph VIII the following new paragraph:

1X. Any group II member in service who is vested as a group II member and who accepts a full-time position with the police standards and training council or with the fire standards and training commission in a training capacity shall continue to be a group II member of the retirement system during service in such position; provided that certification as a police officer or correctional officer by the police standards and training council or as a firefighter by the fire standards and training commission shall be a job requirement for such position.



## AMENDED ANALYSIS

As amended, this bill permits any group II member in service who is vested as a group II member and who accepts a full-time position with the police standards and training council or with the fire standards and training commission in a training capacity to continue to be a group II member of the retirement system during service in such position, so long as certification as a police officer or correctional officer or as a firefighter is a job requirement for such position.

HB 303-FN, relative to fees collected by the New Hampshire port authority. Ought to Pass with Amendment.

This bill allows the Port Authority to collect fees. The amendment strikes the special fund section because the harbor management fund was established in the budget. Vote 17-0. Rep. Elizabeth Hager for Appropriations.

## Amendment

Amend the bill by replacing all after section 2 with the following:

3 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill, as amended, authorizes the New Hampshire port authority to set and collect fees for mooring and slip permits, and fees in the foreign trade zone.

HB 357-FN-A, relative to respite care in area agencies and making an appropriation therefor. Ought to Pass.

This bill appropriates \$240,000 for the biennium ending June 30, 1989. This appropriation will provide respite care for the clients served by Developmental Services in the Department of Mental Health and Developmental Services. Vote 18-0. Rep. Margaret A. Ramsay for Appropriations.

HB 376-FN-A, relative to Alzheimer's disease and related disorders and making an appropriation therefor. (A) Ought to Pass.

This bill establishes a respite care service for persons suffering from Alzheimer's disease. The Division of Elderly and Adult Services shall be responsible for administering this respite care service. Fees shall be determined on a sliding scale basis with a maximum cap of \$900 a calendar year per eligible person for respite care. Vote 18-0. Rep. Roma A. Spaulding for Appropriations.

HB 552-FN, relative to per diem increases for deputy sheriffs. Ought to Pass with Amendment.

This bill increases the salary of deputy sheriffs who work as bailiffs on a per diem basis from \$40 to \$50 per day. The amendment clarifies application of the bill so there is no additional cost to the county, and appropriates \$157,273 each year for purposes of the bill. Vote 19-0. Rep. Donna P. Sytek for Appropriations.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to deputy sheriffs and making  
an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Per Diem Increase; Deputy Sheriff Employed as Bailiff. Amend RSA 104:31, by inserting after paragraph XI the following new paragraph:

XII. For each day any deputy sheriff is employed as a bailiff, he shall be paid \$50 a day plus traveling expenses to attend to any official business.

2 Supplemental Appropriation. In addition to any other sums appropriated to the supreme court, the sum of \$157,273 is hereby appropriated for the fiscal years ending June 30, 1988, and June 30, 1989, for purposes of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, sets the fee paid to deputy sheriffs who are employed on a per diem basis as bailiffs at \$50 a day plus traveling expenses.

This bill, as amended, appropriates \$157,273 to the supreme court for each of the fiscal years ending June 30, 1988 and June 30, 1989, for purposes of this act.

HB 575-FN, relative to certification standards for laboratories. Ought to Pass.

The Committee made no changes to this bill. The lab certification is entirely self-funded. Vote 17-0. Rep. Elizabeth Hager for Appropriations.

HB 650-FN, directing the supreme court to establish a guardian ad litem compensation fund. Ought to Pass.

Under current law, lawyers for children of indigent parties to a contested divorce are paid from a fund established in each county from money derived from a percentage of the entry fee in all divorce cases. This bill centralizes the fund and authorizes the court to modify the percentage in an effort to make the fund more nearly self-sufficient. Vote 19-0. Rep. Donna P. Sytek for Appropriations.

HB 652-FN, relative to wine importers, the delivery of wine, and a definition of "warehouse." Ought to Pass with Amendment.

As it came to Appropriations, this bill made potentially sweeping changes in the State wine distribution system. Unable to assess the financial implications of these changes in the time available, the Committee has amended the bill to address only the specific problem on which there is general agreement. Under these circumstances, no appropriation is required. Vote 19-0. Rep. Caroline L. Gross for Appropriations.

#### Amendment

Amend RSA 178:1-b as inserted by section 1 of the bill by replacing it with the following:

178:1-b Primary Source of Supply. Any importer who operates a warehouse located and licensed in this state under RSA 178:1-a and holds a license under RSA 178-A:7 shall be deemed to be a primary source of supply and shall have the right, as an agent of the commission, to deliver wine it holds directly to the holders of off premise licenses under RSA 178-A:2 or RSA 178-A:13, provided their sales do not exceed 3,000 cases annually; further provided that an acceptable reporting system is in place.

Amend the bill by replacing section 2 with the following:

2 Report. The liquor commission shall report to the president of the senate and the speaker of the house of representatives by December 31, 1988.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, allows any importer of liquor or wine who operates a warehouse in New Hampshire to deliver whatever wine it holds to the holders of off premise licenses, providing their sales do not exceed 3,000 cases annually; further provided that an acceptable reporting system is in place. The bill defines warehouse as the licensed premises of any importer or state contracted warehouse located within New Hampshire, and subject to the laws of this state, which maintains business records that are open to inspection by the commission. This bill provides that on-sale and off-sale licensees who purchase wine from New Hampshire based importers shall be allowed the maximum discount offered by any other commission warehouse.

This bill, as amended, provides that the liquor commission shall report to the senate president and speaker of the house by December 31, 1988.

HB 658-FN, relative to the nursing scholarship program and private trade schools. Ought to Pass.

This bill makes certain statutory changes needed for the Postsecondary Education Commission; increases nursing scholarship program loan amounts; clarifies loan repayments, includes modeling pageants in the definition of "other schools," increases limits for performance bonds and fees for licenses for private commercial schools, corrects statutory reference to the Commission. Vote 18-0. Rep. Patricia O. Sanderson for Appropriations.

HB 659-FN, relative to payment of court appointed counsel and court costs in certain cases. Ought to Pass with Amendment.

This bill requires that the State, instead of the county, pay court costs in certain termination of parental rights and guardianship cases. The amendment appropriates \$70,000 each year for this purpose. Vote 18-0. Rep. Donna P. Sytek for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to payment of court appointed counsel and  
court costs in certain cases and making an  
appropriation therefor.

Amend the bill by replacing section 3 with the following:

3 Supplemental Appropriation. The sums of \$70,000 for the fiscal year ending June 30, 1988, and \$70,000 for the fiscal year ending June 30, 1989, are hereby appropriated to the supreme court for the purposes of this act. These sums are in addition to any other funds appropriated to the supreme court. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

## 4 Effective Date.

I. Section 3 of this act shall take effect July 1, 1987.

II. The remainder of this act shall take effect January 1, 1988.

## AMENDED ANALYSIS

This bill requires the state to pay court costs and guardian ad litem fees in guardianship, conservatorship, and termination of parental rights proceedings. Currently, the counties may be held responsible for paying such costs and fees.

This bill, as amended, appropriates \$70,000 for fiscal year 1988, and \$70,000 for fiscal year 1989, to the supreme court for the purposes of this act.

SB 102-FN, establishing a study committee to assess the need for enterprise zones. Inexpedient to Legislate.

Since this bill was introduced, a study by the State Planning Commission has been released. The sponsor of the bill feels that the bill, as submitted, requires more detailed information. He has requested that this bill not be passed at this time. Vote 14-0. Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs.

SB 214, relative to the allocation of the state's tax-exempt private activity bond limit. Ought to Pass.

Under the new Tax Reform Act (1986), unless a State determines its private activity bond limits, the Federal government will do so. This bill, by allocating between housing and industry, protects the rights of both the New Hampshire Housing Finance Authority and Industrial Development Authority. Vote 16-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

SB 123, amending ward lines for the city of Portsmouth. Ought to Pass.

This bill amends the lines for Wards 2 and 5 in the City of Portsmouth. If adopted by the voters of Portsmouth at the November, 1987 city election, Ward 2 will include the Margeson Housing for the Elderly which is presently located in Ward 5. The Ward 2 polling place is located directly across the street from the Margeson House. If adopted by the voters, it would be a service to the elderly. Vote 13-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

SB 35, relative to the filing of capital improvement plans by municipalities and the effect of failure to file. Ought to Pass.

The bill requires that capital improvement plans be filed with the Office of State Planning, as other local plans presently are. Vote 16-0. Rep. Richard A. Grodin for Municipal and County Government.

SB 48, relative to the appointment of certain town officers. Inexpedient to Legislate.

The unanimous feeling of the Committee was that the towns now have the authority to do this through the Town Charter, and that this should be handled on a local level. Vote 16-0. Rep. Leona Dykstra for Municipal and County Government.

SB 223-FN, authorizing a New Hampshire technical institute security force. Ought to Pass.

The New Hampshire Technical Institute actually does have a 4-person security force in being, to provide round-the-clock security and fire patrol services in the buildings and grounds of the college. All members of the security force are certified police officers, and they are unarmed. They presently lack the authority to detain college

students, or outsiders who may enter college grounds and buildings, and cause a disturbance, until the arrival of Concord Police Department personnel, or the New Hampshire State Police. This legislation grants New Hampshire Technical Institute security personnel the authority to detain such persons, when it becomes necessary. No additional personnel or funds are required by New Hampshire Technical Institute. Vote 12-0. Rep. Roland A. Morrisette for Public Protection and Veterans Affairs.

SB 141, naming the interstate bridge between New Hampshire and Maine the Sarah Mildred Long Bridge. Ought to Pass. Sarah Mildred Long has worked diligently for the Maine/New Hampshire Bridge Authority since 1938 and it is very fitting that this bridge be named for her, at this time, as she is still living and can enjoy the fruits of her labor. Vote 17-0. Rep. Maurice J. Levesque for Public Works.

SB 42, relative to employees of the sweepstakes commission. Ought to Pass with Amendment.

This bill, as amended, prohibits any commissioner, executive director, assistant director, or games' manager of the Sweepstakes Commission from accepting employment with any ticket or on-line vendor who has a contract with the Commission or vendor bidding on a contract until 2 years after being separated from the Commission. A vendor who violates these provisions is barred from bidding on any contract with the Commission for 5 years. Vote 15-0. Rep. Lynn C. Horton for Regulated Revenues.

#### Amendment

Amend RSA 284:21-u as inserted by section 1 of the bill by replacing it with the following:

284:21-u Prohibition on Future Employment.

1. No commissioner, executive director, assistant director, or games manager of the sweepstakes commission shall accept any employment, including work as a consultant or lobbyist, with any ticket or on-line vendor holding a valid contract with the commission or any such vendor bidding on a contract with the commission until 2 years after he shall become separated from the commission.

II. No ticket or on-line vendor holding a valid contract with the commission or bidding on a contract with the commission shall employ any commissioner, executive director, assistant director, or games manager of the commission until 2 years after such employee has become separated from the commission. Any such vendor who violates the provisions of this paragraph shall be barred from bidding on any future contract with the commission for 5 years after such violation.

#### AMENDED ANALYSIS

This bill, as amended, prohibits any commissioner, executive director, assistant director, or games manager of the sweepstakes commission from accepting any employment with or being hired by any ticket or on-line vendor holding a valid contract with the commission or any such vendor bidding on a contract with the commission until 2 years after he shall become separated from the commission.

Any ticket or on-line vendor who violates the provisions of this act shall be barred from bidding on any contract with the commission for 5 years following such violation.



SB 143-FN, reestablishing an advisory committee on state economic development and local population growth. Ought to Pass.

This bill reestablishes the Advisory Committee on State Economic Development and Local Population Growth established by Chapter 149 of the Laws of 1986. The Committee is directed to study current law in light of population growth, housing needs, limited natural resources, and the role of State and local government in planning balanced, responsible growth in the State. The Committee is to submit its legislative recommendations for introduction in the 1988 Session. Vote 16-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

SB 100, relative to exemption from regulation of the design, construction, and alteration of certain small structures. Inexpedient to Legislate.

The intent of this bill is to expedite the process of approving construction projects that are less than 2-1/2 stories in height and will house 50 or fewer persons by exempting them from obtaining an architect's seal. However, the Committee unanimously felt that there were a number of significant and unamendable flaws with this bill and that it presented possible health, safety and liability problems. Vote 12-0. Rep. Richard F. Doucette for State Institutions and Housing.

#### COMMITTEE REPORTS (Regular Calendar)

HB 293-FN-A, relative to foster family homes and making an appropriation therefor. Ought to Pass with Amendment.

This bill provides for an increase in the monthly allowance that foster family homes receive for each child in their care. The amendment establishes a committee on foster families that will review annually the sufficiency of foster family allowances and make recommendations concerning any changes in such allowance. State cost: \$954,302 each year. Vote 16-3. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Rulemaking. Amend RSA 170-E:9 by inserting after subparagraph i(e) the following new subparagraph:

(f) Compensation to foster family homes for the costs of caring for each child in their custody.

Amend the bill by replacing section 3 with the following:

3 New Subdivision; Committee on Foster Families. Amend RSA 170-E by inserting after section 22 the following new subdivision:

## Committee on Foster Families

170-E:23 Establishment. There is hereby established a committee on foster families.

170-E:24 Membership; Organization. The committee on foster families shall consist of the following:

I. Two members of the children, youth and elderly affairs committee of the house of representatives, appointed by the chairman of that committee.

II. Two members of the appropriations committee of the house of representatives appointed by the chairman of that committee.

III. Two members of the senate, appointed by the senate president.

IV. The director of the division for children and youth services, department of health and human services, who shall serve as chairman of the committee.

170-E:25 Duties.

I. The committee shall review annually the sufficiency of foster family allowances, and make recommendations concerning any changes in such allowance.

II. The committee shall also review annually the sufficiency of the AFDC shelter allowance, and make recommendations concerning any changes in such allowance.

170-E:26 Report. The committee shall, before February 1 of each year, submit a report containing its recommendations to the chairmen of the following committees:

I. The finance committee of the senate.

II. The public institutions, health and human services committee of the senate.

III. The appropriations committee of the house of representatives.

IV. The children, youth and elderly affairs committee of the house of representatives.

4 Effective Date. This act shall take effect July 1, 1987.

## AMENDED ANALYSIS

This bill provides for an increase in the monthly allowance that foster family homes receive for each child in their care. It makes an appropriation to cover these increases for fiscal years 1988 and 1989.

This bill, as amended, establishes a committee on foster families which shall annually review and make recommendations concerning the sufficiency of foster family allowances and AFDC shelter allowances. Such recommendations shall be submitted to the chairmen of certain house and senate committees by February 1 of each year.

Amendment adopted.

Ordered to third reading.

HB 318-PN-A, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor. (A) Ought to Pass.

This bill requires the legally responsible school district to be liable for special education of children placed under the Juvenile Justice Statutes (169-B, C and D) but only to the limit of the average state elementary cost per pupil. This bill has been studied and supported by the Education Committee in the past and has the strong recommendation of the Committee on Children, Youth and Elderly

Affairs. This bill appropriates \$1,492,480 for the biennium for the purpose of this bill. Vote 17-2. Rep. Ellen-Ann Robinson for Appropriations.

Ordered to third reading.

HB 336-FN-A, requiring permits for projects affecting the water quality of the surface waters or groundwaters of the state and making an appropriation therefor and providing for administrative fines for septic system violations. (A) Ought to Pass with Amendment.

The amendment makes the rulemaking authority under this bill more definitive. It also strikes the new positions for the Division of Water Supply and Pollution Control. Appropriation reduced by \$227,194. Vote 16-1. Rep. Elizabeth Hager for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

requiring permits for projects affecting the water quality of the surface waters or groundwaters of the state and providing for administrative fines for septic system violations.

Amend RSA 148:8-a, 11 as inserted by section 1 of the bill by replacing it with the following:

11. The director of the division of water supply and pollution control shall adopt rules, after public hearing, under RSA 541-A relative to:

(a) The terms and conditions under which any permit issued under this section may be exercised, including the form of the permit and the criteria for any specific conditions which may be placed upon general permits.

(b) The procedure for applying for a permit.

(c) The information required by an applicant, including what details shall be included in "detailed plans".

(d) What constitutes a significant alteration or impairment of terrain characteristics.

(e) What constitutes good management practices on the part of the permittee.

(f) Other matters related to the proper administration of this section and purposes of this chapter.

Amend the bill by replacing all after section 3 with the following:

4 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill requires persons undertaking any project which threatens to violate the stream classification of any surface waters of the state, or to contaminate any groundwaters of the state to submit plans to, and obtain a permit for such activity from, the division of water supply and pollution control. The director is required to adopt rules to administer the permit program. Fees are set for reviewing plans under this law to be based on the amount of land to be disturbed. Normal agricultural and forest products harvesting operations are exempt from these requirements, and state agency activities may be exempted from the required fees and permits if such agencies' protective practices are substantially equivalent to the chapter's requirements.

The bill authorizes the commissioner of environmental services, with the advice of the water supply and pollution control council, to levy administrative fines not to exceed \$2,000 for violations of the water pollution or sewage disposal system statutes.

Amendment adopted.  
Ordered to third reading.

HB 338-FN-A, relative to the senior companions and foster grandparents programs and making an appropriation therefor. Ought to Pass.

This bill establishes a grant program for the purpose of reimbursing the senior companion and foster grandparents programs for expenses incurred in providing volunteer services for our needy elderly and special needs children. State cost: \$87,700 in 1988 and \$96,470 in 1989. Vote 16-2. Rep. Margaret A. Ramsay for Appropriations.

Ordered to third reading.

HB 339-FN-A, relative to lead paint abatement and making an appropriation therefor. Ought to Pass with Amendment.

This bill clarifies the language of the current Lead Paint Abatement Law and adds a provision for the protection of young children. The amendment deletes the appropriation for additional equipment and personnel which the Committee felt were not a priority at this time. Vote 15-2. Rep. Donna P. Sytek for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to lead paint abatement.

Amend the bill by replacing all after section 3 with the following:

4 New Section; Additional Remedy. Amend RSA 130-A by inserting after section 8 the following new section:

130-A:9 Additional Remedy. The superior court, on petition of the health authority, shall have jurisdiction to restrain, correct, or abate violations of any provision of this chapter. This remedy shall be in addition to other available remedies. All proceedings under this section shall be entitled to a speedy hearing.

5 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill prohibits children 6 years of age or less to be in a dwelling or dwelling unit when lead base paint is being removed such that particles of lead substances may be inhaled or ingested.

The bill adds a provision granting the superior court jurisdiction to restrain, correct, or abate violations of RSA 130-A.

This bill was requested by the division of public health services, department of health and human services.

Amendment adopted.  
Ordered to third reading.

HB 544-FN, increasing the limit on the state guarantee of bonds and notes of school districts. Ought to Pass.

This bill raises the limit of the State guarantee on the bonds and notes of school districts for construction from \$45 million to \$75 million. This bill does not make an appropriation and it is the opinion of the Committee that this bill will reduce the interest costs to school districts. Vote 14-4. Rep. Ellen-Ann Robinson for Appropriations.

Ordered to third reading.

HB 576-FN, relative to workers' compensation lump sum payments and state retirement benefits. Ought to Pass.  
This bill would conform statute to present practice. Vote 13-4. Rep. Caroline L. Gross for Appropriations.

Ordered to third reading.

HB 586-FN, relative to mooring of boats on lakes and ponds in New Hampshire. (A) Ought to Pass with Amendment.  
The amendment makes the mooring bill applicable to Lake Winnepesaukee, Lake Winnisquam, Squam Lake, Newfound Lake and Lake Sunapee and takes out the money to buy boats to patrol the smaller lakes. Vote 17-1.  
Rep. Elizabeth Hager for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to mooring of boats on certain  
lakes in New Hampshire.

Amend RSA 270:61, I as inserted by section 1 of the bill to read as follows:

I. Any person erecting, installing, maintaining, or exercising control over a mooring on Lake Winnepesaukee; Lake Winnisquam; Squam Lake; Newfound Lake; and Lake Sunapee shall obtain a mooring permit from the division as provided in this subdivision.

Amend paragraph I as inserted by section 2 of the bill by replacing it with the following:

I. The sum of \$105,428 is hereby appropriated to the department of safety, division of safety services for the biennium ending June 30, 1989. This appropriation shall be in addition to any other appropriations for the department for those fiscal years. The sums are to be expended to implement the provisions of this act.

Amend section 3 of the bill by replacing it with the following:

#### 3 Effective Date.

1. RSA 270:59-60; 270:64; 270:66, 1(b) and (d), 11, 111, and IV; 270:67, I(a), (f), and (g), 11(a) and (e); 270:69; 270:71; and 270:72, I as inserted by section 1 of this act, and section 2 of this act shall take effect upon its passage.

11. RSA 270:61; 270:62; 270:63; 270:65; 270:66, 1(a), (c), and (e); 270:67, 1(b), (c), (d) and (e); 11(b), (c) and (d); 270:68; 270:70; and 270:72, 11 and 111 as inserted by section 1 of this act shall take effect January 1, 1988.



## AMENDED ANALYSIS

This bill provides a mechanism for regulating the placement of use of moorings on state owned waters.

The bill establishes specific restrictions on the placement and use of moorings on 5 lakes, namely, Winnepesaukee; Winnisquam; Squam; Newfound; and Sunapee. The division of safety services, department of safety, has the administration and enforcement responsibilities under the provisions of this subdivision.

Annual mooring fees of \$25 shall be charged for each mooring decal issued. Public and private mooring fields will be established by permit issued by the division of safety services. The office of state planning shall identify suitable locations for public mooring fields on public waters. The office of state planning shall make recommendations relevant to public mooring fields.

The director of the division of safety services is given certain rulemaking authority by this bill.

An appropriation of \$105,428 is made for the division of safety services for the biennium ending June 30, 1989, and an appropriation of \$10,000 is made for the office of state planning for the biennium ending June 30, 1989.

Amendment adopted.

Ordered to third reading.

HB 630-FN, relative to the reduction in benefits for group 1 members of the New Hampshire retirement system who retire before age 60. (A) Ought to Pass with Amendment.

This bill will change the reduction in the retirement service allowance of Group 1 members who retire before they are 60 years old. This is a more equitable policy for those Group 1 members with long service, but have not reached 60 years of age. Under the present law, service is not a factor in the reduction formula. As amended, the funding for the additional benefits for the current Group 1 members is terminally funded from the special account created by RSA 100-A:16, 11(h). Vote 13-5. Rep. Margaret A. Ramsay for Appropriations.

## Amendment

Amend the bill by replacing section 1 with the following:

1 Group 1 Member Benefits. Amend RSA 100-A:5, 1(c) to read as follows:

(c) Notwithstanding any other provision of law, any group 1 member who meets the requirements of RSA 100-A:10, 1(a), and who has attained the age of 50, but not the age of 60, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, 1(b) and shall be reduced [by 5/9 of one percent], for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age, by 1/4 of one percent if the member has 30 years or more of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

## AMENDED ANALYSIS

As amended, this bill changes the reduction in the service retirement allowance which a group I member receives who is at least 50 but not 60 years of age so that his service retirement allowance is reduced for each month by which the date on which benefits commence precedes the month after which the member reaches 60 years of age, as follows:

(1) By 1/4 of one percent if the member has 30 years or more of creditable service.

(2) By 1/3 of one percent if the member has 25 years but less than 30 years of creditable service.

(3) By 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service.

(4) By 5/9 of one percent if the member has less 20 years of creditable service.

Funding for the additional benefits for current group I members is terminally funded from the special account created by RSA 100-A:16, 1f(h), and funding for persons joining group I after July 1, 1987, shall be as provided under present law.

Amendment adopted.

Ordered to third reading.

SB 205, transferring the administrative authority for bingo.  
Inexpedient to Legislate.

The Committee feels that the administration and enforcement of Bingo should remain separated. The present system seems to be working well. Vote 14-1. Rep. Lynn C. Horton for Regulated Revenues.

Resolution adopted.

HB 216-FN, requiring all moneys received for the driver training fund to be expended on driver education only, with any excess to be lapsed into the highway fund. Ought to Pass with Amendment.

The amendment calls for increasing the driver education reimbursement from \$50 to \$75 per pupil. The bill, as written, would have spent \$3 million of general fund dollars, more than the Committee felt was fiscally responsible. Vote 17-0. Rep. Elizabeth Hager for Appropriations.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

making an appropriation for the driver training program.

Amend the bill by replacing all after the enacting clause with the following:

1 Driver and Safety Education Appropriation Increase. The sum of \$175,000 for the fiscal year ending June 30, 1988, and the sum of \$175,000 for the fiscal year ending June 30, 1989, are hereby appropriated to the department of safety, division of motor vehicles, driver and safety education for the purpose of increasing grants to participating schools from \$50 to \$75 for each student completing the driver education program. These sums shall be in addition to any other funds appropriated to the department of safety. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 1987.

## AMENDED ANALYSIS

The bill, as amended, makes an appropriation for driver training of \$175,000 for fiscal year 1988, and \$175,000 for fiscal year 1989, to increase the per-student grant to participating schools for students completing the driver education program from \$50 to \$75.

Reps. Burton Knight, Hawkins, Flanders and Irvin Gordon spoke against the amendment.

Reps. Hager and LaMott spoke in favor of the amendment and yielded to questions.

Rep. Ellen-Ann Robinson spoke in favor of the amendment.

Rep. Sara Townsend spoke to the amendment.

Rep. Rounds spoke against the amendment and yielded to questions.

Rep. Phelps moved the previous question. Sufficiently seconded.

Adopted.

Rep. Weddle moved that HB 216 be laid upon the table.

Motion lost.

Question now being on the Committee amendment.

A roll call was requested. Sufficiently seconded.

YEAS	186	NAYS	159
YEAS	186		

BELKNAP: Bolduc, Bowler, Hardy, Holbrook, Locke, Pearson and Turner.

CARROLL: Allard, Gene Chandler, Russell Chase, Olimpio, Powers and Saunders.

CHESHIRE: Blacketer, Cole, Daschbach, Jesse Davis, Delano, Frink, Hunt, Matson, Miller, Parker, Ramsay, William Riley, Schwartz and David Young.

COOS: Coulombe, Frederic Foss, Horton, Lemire, Marsh, Mayhew, Oleson and Theriault.

GRAFTON: Arnesen, Bean, Hennett, Chambers, Christy, Copenhaver, Crystal, Densmore, Driscoll, Michael King, Wayne King, LaMott, Lougee, Ezra Mann, Howard Townsend, Wadsworth, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Barbara Arnold, Bass, Bourque, Bowers, A. Leslie Burns, Chretien, Cote, Cowenhoven, Cox, Daigle, William Desrosiers, Paul Dionne, Domaingue, Ducharme, Dupont, Joseph M. Eaton, Fields, Nancy Ford, Frank, Gagnon, Genest, Granger, Grip, Guilbert, Marian Harrington, Humphrey, Chris Jacobson, Keefe, Robert Kelley, Alice Knight, Korcoulis, Leclerc, Lown, Lozeau, Mason, Bonnie McCann, Messier, Mulligan, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Perham, Price, Reardon, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Steiner, Ware, Watson, Emma Wheeler, Kenneth Wheeler, Winn, Zajdel and Zis.

MERRIMACK: Bardsley, Beaton, Laurent Boucher, Cahill, James Chandler, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hess, C. William Johnson, Kidder, Lewis, Lockwood, Millard, Rehlander, Wallner, Whittemore and Yeaton.

ROCKINGHAM: Benton, Blanchette, William Boucher, Marilyn Campbell, Cooke, Cushing, Fesh, Thomas Gage, Elizabeth Greene, Hollingworth, Robert Johnson, George Katsakiores, Lovejoy, Malcolm, William F. McCain, McGovern, McKinney, Parr, Read, Ritzo, Sanderson, Scamman, Schwaner, Sherburne, Sochalski, Splaine, Sytek, Tufts and Welch.

STRAFFORD: Appleby, Bates, Callaghan, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Martling, Musler, Parks, Proulx, Francis Robinson, Ann Torr, Wilson and John Young.

SULLIVAN: D'Amante, Krueger, Lindblade, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 159

BELKNAP: Richard Campbell, Dexter, Golden, Malcolm Harrington, Hawkins, Jensen, Maviglio, Lawrence Richardson, Thurston and Wixson.

CARROLL: Robert Holmes, Kenneth MacDonald, McIntire and Schofield.

CHESHIRE: Clark, Daniel Eaton, Foster, Irvin Gordon, Grodin, LaMar, Morse, Perry, Pierce and Sawyer.

COOS: Brungot, Guay, Kilbride and Nelson.

GRAFTON: Adams, Blair, Hammond, McAvoy, Rounds, Scanlan, Stewart and Ward.

HILLBOROUGH: Ahern, Alukonis, Baker, Baldizar, Beaupre, Lionel Boucher, Buckley, Burkush, Champagne, Cusson, Ann Derosier, Gerard Desrochers, Donovan, Drolet, Dube, Dwyer, Dykstra, Clyde Eaton, Ruth Gage, Scott Green, Betty Hall, Hatch, Healy, Holden, Cornelius Keane, Donna Kelly, Kurk, Lefebvre, Levesque, Long, McGlynn, McKae, Morrisette, Pariseau, Pignatelli, Reidy, Herbert Richardson, Schneiderat, Shriver, Leonard Smith, Soucy, Stiles, Stonner, Sullivan, Tarpley, Turgeon and Vanderlosk.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Fillion, Hayes, Mary Holmes, Burton Knight, Merton Mann, Manus, Pantzer, Phelps, Philbrick, Provencal, Doris Riley, Walter Robinson, Gerald Smith and Stio.

ROCKINGHAM: Carl Anderson, Barnes, Blaisdell, Blanchard, Butler, Eunice Campbell, Carpenito, Conroy, Cressy, Ellyson, Felch, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Gosselin, Gourdeau, Hoar, Hynes, Phyllis Katsakiores, Maurice MacDonald, Mace, Magoon, Newell, Palumbo, Pantelakos, Rosencrantz, Schmidtchen, Scott, Skinner, Tilton, Vartanian, Warburton, Weddle, Wells and Wright.

STRAFFORD: Bernard, Casey, Chamberlin, Dingle, Albert Dionne, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Lussier, McManus, Pelley, Spear, Swope and Wali.

SULLIVAN: Brodeur, Cutting, Domini, Flint, Ingram, McKee and Normandin, and the amendment was adopted.

Ordered to third reading.

(Speaker in the Chair)

#### ENROLLED BILL AMENDMENT

SB 235-FN, relative to municipal and county bonds.

#### Amendment

Amend the bill by replacing line 7 on page 2 with the following:

neither smaller in amount nor later in time than the installments which were

Amend the bill by replacing line 2 on page 4 with the following:

prior to the date or dates on which the refunded bonds are paid, and the

This amendment corrects typographical errors in sections 1 and 2 of the bill.

Adopted.

#### ENROLLED BILLS REPORT

SB 57, relative to change of name and address of a corporation.

SB 65, repealing the authorization for a committee to investigate the confinement of children.

HB 40, relative to bond given by administrators of estates.

HB 110, relative to sunset review of the New Hampshire retirement system.

HB 111, relative to sunset review of the board of accountancy.

HB 115, relative to sunset review of regulation of electricians.

HB 118, relative to sunset review of board of optometry.

HB 119, relative to sunset review of pharmacy commission.

HB 121, relative to sunset review of board of registration of podiatrists.

HB 128, relative to sunset review of civil defense.

HB 129, relative to sunset review of disaster office.

HB 130, relative to sunset review of the fire standards and training commission.

HB 138, relative to sunset review of the department of safety - division of motor vehicles.

HB 139, relative to sunset review of the police standards and training council.

HB 140, relative to sunset review of the police standards and training council - corrections.

HB 141, relative to sunset review of the commission on human rights.

HB 147, relative to sunset review of department of health and human services - division of mental health.

HB 151, relative to sunset review of veterans' home.

HB 137, relative to sunset review of the department of safety - administration and support.

HB 169, relative to sunset review of Maine-New Hampshire interstate bridge authority.

HB 172, relative to sunset review of New Hampshire housing finance authority.

HB 176, relative to sunset review of state board of auctioneers.

Rep. Raymond C. Buckley  
for the Committee.

#### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 275-FN, establishing a public investments study committee.  
(Amendment printed SJ 4/2)

Rep. Ward moved that the House concur and yielded to questions.

Adopted.

#### PERSONAL PRIVILEGE

Rep. Sara Townsend addressed the House under personal privilege.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time,



that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 9 at 11:00 a.m.

Adopted.

#### LATE SESSION

#### Third reading and final passage

HB 103-FN, relative to sunset review of the office of legislative services - administrative procedures division and amending the administrative procedure act.

HB 133-FN, relative to sunset review of state liquor commission - merchandising and relative to the state liquor commission.

HB 144-FN, relative to sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles.

HB 157-FN, relative to sunset review of the board of education - general instruction, school district evaluation guidelines.

HB 173-FN, relative to sunset review of the postsecondary education commission - nursing scholarship program, requirements for the nursing scholarship program, and a leveraged incentive program.

HB 174-FN, relative to sunset review of postsecondary education commission - war orphans scholarships.

HB 216-FN, making an appropriation for the driver training program.

HB 238-FN-A, relative to establishing a memorial to Christa McAuliffe and making an appropriation therefor.

HB 255-FN-A, dedicating a portion of the federal Wallop-Breaux funds, with state matching funds, for the establishment of boat launching access and making an appropriation therefor.

HB 292-FN, permitting permanent policemen who serve as field representatives for the police standards and training council and permanent firemen who serve with the fire standards and training commission to continue as group II members of the New Hampshire retirement system.

HB 303-FN, relative to fees collected by the New Hampshire port authority.

HB 357-FN-A, relative to respite care in area agencies and making an appropriation therefor.

HB 376-FN-A, relative to Alzheimer's disease and related disorders and making an appropriation therefor.

HB 552-FN, relative to deputy sheriffs and making an appropriation therefor.

HB 575-FN, relative to certification standards for laboratories.

HB 650-FN, directing the supreme court to establish a guardian ad litem compensation fund.

HB 652-FN, relative to wine importers, the delivery of wine, and a definition of "warehouse."

HB 658-FN, relative to the nursing scholarship program and private trade schools.

HB 659-FN, relative to payment of court appointed counsel and court costs in certain cases and making an appropriation therefor.

SB 214, relative to the allocation of the state's tax-exempt private activity bond limit.

SB 123, amending ward lines for the city of Portsmouth.

SB 35, relative to the filing of capital improvement plans by municipalities and the effect of failure to file.

SB 223-FN, authorizing a New Hampshire technical institute security force.

SB 141, naming the interstate bridge between New Hampshire and Maine the Sarah Mildred Long Bridge.

SB 42, relative to employees of the Sweepstakes commission.

SB 143-FN, reestablishing an advisory committee on state economic development and local population growth.

HB 293-FN-A, relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.

HB 318-FN-A, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor.

HB 336-FN-A, requiring permits for projects affecting the water quality of the surface waters or groundwaters of the state and providing for administrative fines for septic system violations.

HB 338-FN-A, relative to the senior companions and foster grandparents programs and making an appropriation therefor.

HB 339-FN-A, relative to lead paint abatement.

HB 544-FN, increasing the limit on the state guarantee of bonds and notes of school districts.

HB 576-FN, relative to workers' compensation lump sum payments and state retirement benefits.

HB 586-FN, relative to mooring of boats on certain lakes in New Hampshire.

HB 630-FN, relative to the reduction in benefits for group I members of the New Hampshire retirement system who retire before age 60.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 2:15 p.m.

RECESS

(Speaker in the Chair)

Rep. Harold Burns moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 19

*Thursday, 9Apr87*

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Holy God, we gather with the awareness that there is too much to be done and too little time. It has always seemed so.

Be present with us and instill in us a sense of vision so that we may be about the work which truly matters. Turn us away from those things which are petty, or self-serving and of little consequence.

Grant us, O God, the serenity to accept those things we cannot change---the courage to change what we can, and the wisdom to know the difference. Amen.

Rep. Hodeschin led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. William Boucher, Nagel and Boisvert, the day, illness.

Reps. Philbrick, Domini, Turner, Francis Robinson, Nixon, Dickinson, Haynes, Behrens, Bucu, Nichols, Hounsell, Brown, Prestipino, Dearborn, Walker, Gerald Smith, Baker, Michael Jones, Musler, Manus, Grip and Stonner, the day, important business.

Rep. Doucette, the day, flood emergency.

Rep. Woodward, the day, death in the family.

Reps. Joseph MacDonald and Walter, the day, illness in the family.

## INTRODUCTION OF GUESTS

Fourth grade students from Sandown and their teacher, Mrs. Abraham, guests of Reps. McCain and Butler, former Representative Roger Easton and his wife Barbara, guests of Rep. Pevear; Second grade students from Walker School in Concord and their teacher, Cynthia LeBrun; Judith Castel, Administrative Assistant of the New Hampshire Developmental Disabilities Council, in Concord; Mary Brown, Chairman of the Developmental Disabilities Council, in Concord; and Susan Parker, Executive Director of the Developmental Disabilities Council, in Concord, guests of the House.

"Kids on the Block" Troupe of puppets, Mary-Ellen Holmquist, Lilla Willey and Jim O'Neil, from Lebanon-Upper Valley Support Group, promoting awareness of children with disabilities, entertained the House with a puppet show.

## SENATE MESSAGE REQUESTS CONCURRENCE

SB 1-A, establishing the New Hampshire land conservation investment program and making an appropriation therefor.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bill numbered 1, shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

#### INTRODUCTION OF SENATE BILL

First, second reading and referral.

SB 1-A, establishing the New Hampshire land conservation investment program and making an appropriation therefor. (Environment and Agriculture)

#### SENATE MESSAGES CONCURRENCE

HB 61, relative to the executive director setting the deer and bear seasons for taking.

HB 196, establishing a study committee to determine the feasibility of establishing OHRV trails on rights of way of state highways.

HB 47, relative to certain fish and game licenses.

HB 192-FN-A, establishing a program of regional and municipal assistance in the office of state planning.

HB 60-FN, relative to indemnification of fish and game department volunteers.

HB 73-FN, relative to falconry.

HB 38, relative to the method of taking deer in the town of Madbury.

HB 657-FN, relative to the investment of state trust funds.

HB 113-FN, establishing a civil air patrol grant program.

HB 26-FN-A, making an appropriation for the New Hampshire Bicentennial Commission on the United States Constitution.

HB 269-FN-A, relative to the appropriation for motor vehicle replacement.

HB 371-FN-A, relative to the compromise of an action against the state and making an appropriation therefor.

HB 522, relative to membership of the state party convention.

HB 482, relative to the charter of Wentworth-Douglass Hospital.

HCR 7, relative to the priority of employee claims in Chapter 11 bankruptcy proceedings.

HB 50-A, relative to utilization of the Hampton parking meter revenues.

HB 304-FN-A, relative to simulcast racing.

HB 79-A, making a capital appropriation for Tip Top House.

HB 377, to liquidate encumbrances and lapse available balances on certain capital accounts.

HB 97-FN-A, appropriating funds to the Department of Agriculture for inspection of apiaries.

HB 67, relative to urea-formaldehyde.

HB 726, relative to qualifications of the director of human services and establishing certain positions.

HJR 1, relative to the New Hampshire agricultural experiment station.

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 422-FN, creating a committee to study and revise the laws pertaining to elderly persons. (Amendment printed SJ 4/7)

Rep. Robert Jones moved that the House concur and yielded to questions.

Adopted.

HB 164-FN, relative to sunset review of Connecticut River Valley flood control commission. (Amendment printed SJ 4/7)

Rep. Dingle moved that the House concur.

Adopted.

HB 170-FN, relative to sunset review of Merrimack River flood control commission. (Amendment printed SJ 4/7)

Rep. Dingle moved that the House concur.

Adopted.

HB 31, relative to boating on Wakondah Pond in the town of Moultonborough. (Amendment printed SJ 4/7)

Rep. Dingle moved that the House concur.

Adopted.

HB 150, relative to sunset review of New Hampshire hospital. (Amendment printed SJ 4/7)

Rep. Parker moved that the House Concur.

Adopted.

HB 518, relative to enforcement of the underground utility damage prevention system. (Amendment printed SJ 4/2)

Rep. Fraser moved that the House concur.

Adopted.

HB 670-FN, relative to review of wood-fired electrical generating plants. (Amendment printed SJ 4/7)

Rep. Frederick Foss moved that the House concur.

Adopted.

HB 166-FN, relative to sunset review of department of health and human services - division of public health services - electrologists.

(Amendment printed SJ 4/7)

Rep. Hawkins moved that the House concur.

Adopted.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 693-FN, relative to determining membership in the New Hampshire retirement system, was removed at the request of Rep. Pantelakos.

SJR 1, against communist tyranny, was removed at the request of Rep. Granger.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 290-FN-A, relative to prenatal programs and making an appropriation therefor. Inexpedient to Legislate.

The Appropriations Committee recommends that this bill be Inexpedient to Legislate. HB 300 was amended to include \$200,000 each year of the biennium for prenatal care. The Committee voted unanimously in favor of this action on a voice vote. Rep. Margaret A. Ramsay for Appropriations.

HB 296-FN-A, establishing a department of securities and making an appropriation therefor. Ought to Pass with Amendment.

This bill establishes a Department of Securities independent of the Insurance Department and, as amended, appropriates \$789,555 to the Department of Securities for each of the Fiscal years 1988 and 1989, and further appropriates \$100,000 to an investigatory fund for each of



the fiscal years 1988 and 1989. Further, amendment strikes proposed fee schedule and continues funding under present law. Vote 19-0. Rep. Philip H. Weymouth for Appropriations.

#### Amendment

Amend RSA 21-P:13 as inserted by section 1 of the bill by replacing it with the following:

21-P:13 Investigatory Fund. There is established an investigatory fund. The commissioner may utilize the investigatory fund to employ additional personnel to assist the chief investigator in specific investigations, pursuant to RSA 21-P:11, II. Any portion of the investigatory fund which is not utilized by the commissioner pursuant to RSA 21-P:11, II, at the close of the fiscal year shall revert to the general fund.

Amend RSA 21-P as inserted by section 1 of the bill by deleting section 21-P:14 and renumbering the original sections 21-P:15-28 to read as 21-P:14, 21-P:15, 21-P:16, 21-P:17, 21-P:18, 21-P:19, 21-P:20, 21-P:21, 21-P:22, 21-P:23, 21-P:24, 21-P:25, 21-P:26 and 21-P:27, respectively.

Amend RSA 21-P:22, II as inserted by section 1 of the bill by replacing it with the following:

11. If any such hearing is to be held for consideration of rules of the commissioner, or of other matters which, under paragraph I of this section, would otherwise require separate notices to more than 30 persons, in lieu of other notice, the commissioner may give notice of the hearing by publication in a newspaper of general circulation in this state, at least once each week during the 2 weeks immediately preceding the week in which the hearing is to be held, except that the commissioner shall mail such notice to all persons who have requested the same in writing in advance and have paid to the commissioner the reasonable amount fixed by him to cover the cost of the notice. All such notices, other than published notices, shall be given as provided in RSA 21-P:20.

Amend paragraph III of section 13 of the bill by deleting it.

Amend section 14 of the bill by replacing it with the following:

14 Appropriation. The sum of \$889,555 is hereby appropriated to the department of securities for each of the fiscal years ending June 30, 1988, and June 30, 1989 for the purposes of this act. Of each such sum, \$100,000 shall be used solely for the investigatory fund as provided in RSA 21-P:13. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

#### AMENDED ANALYSIS

The bill establishes a department of securities. The department shall operate independently of the insurance department. The commissioner of the department of securities, the administrator of securities services, and the division directors are appointed by the governor with the consent of the council and serve 4 year terms. The department has 2 offices: an office of administrative services, and an office of investigations. The department has 2 divisions: a division of registration and a division of audits and examinations.

This bill, as amended, appropriates \$789,555 to the department of securities for each of the fiscal years 1988 and 1989. In addition, this bill, as amended, appropriates \$100,000 to an investigatory fund within the department of securities for each of the fiscal years 1988 and 1989.

HB 345-FN-A, relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor. (A) Ought to Pass with Amendment.

In response to a Supreme Court decision striking down the system of special session fees for probate judges, this bill sets up a weighted caseload formula to determine the salaries of the ten judges of probate. The amendment provides that any change in the formula will require the approval of the Fiscal Committee. The appropriation of \$115,000 will be put in the budget. Vote 17-0. Rep. Donna P. Sytek for Appropriations.

#### Amendment

Amend RSA 491-A:3, I and II as inserted by section 3 of the bill by replacing them with the following:

1. For purposes of calculating the annual salaries of part-time judges appointed after October 3, 1986, the supreme court shall establish and revise as needed a weighted case value, relating the judicial time required for each type of case included in the court's jurisdiction, which when multiplied by the caseload of each court will produce the number of weighted case units for that court. Any revisions to the weighted case values shall be approved by the fiscal committee. The number of weighted case units, as calculated annually by the administrative office of the courts, shall serve as the basis for determining the salary of part-time justices.

11. The following compensation schedule shall be used when calculating salaries for part-time probate judges from October 3, 1986:

<u>Weighted Case Units</u>	<u>Step Increase Per 100 Case Units</u>				
	1	2	3	4	5
0 - 499	\$ 2,500	\$ 3,217	\$ 3,928	\$ 4,642	\$ 5,356
500 - 999	6,070	6,784	7,498	8,212	8,926
1000 - 1499	9,640	10,354	11,068	11,782	12,496
1500 - 1999	13,329	14,162	14,995	15,828	16,661

<u>Weighted Case Units</u>	<u>Step Increase Per 100 Case Units</u>				
	1	2	3	4	5
2000 - 2499	17,494	18,327	19,160	19,993	20,826
2500 - 2999	21,659	22,492	23,325	24,258	24,991
3000 - 3499	25,824	26,657	27,490	28,323	29,156
3500 - 3999	29,989	30,822	31,655	32,488	33,321
4000 - 4499	34,154	34,987	35,820	36,653	37,486
4500 - 4999	38,319	39,152	39,985	40,818	41,651
5000 - 5250	42,484	43,317	43,733	-----	-----

Amend RSA 547:22-a as inserted by section 4 of the bill by replacing it with the following:

547:22-a Transitional Adjustment. Notwithstanding RSA 491-A:3, judges of probate who are not full-time judges under RSA 547:2-a and who were appointed prior to the effective date of this section shall receive as annual salary for a period of 10 years either (a) the sum of \$19,102 plus 50 percent of the total amount of special session fee income received in 1985; or (b) the salary established for such judge through the

application of the weighted caseload compensation schedule set forth in RSA 491-A:3, plus 50 percent of the total amount of special session fee income received in 1985; whichever is greater. After 10 years, these judges shall be compensated by application of the weighted caseload compensation schedule pursuant to RSA 491-A:3.

Amend RSA 547:19-b as inserted by section 9 of the bill by replacing it with the following:

547:19-b Retirement Due to Constitutional Age Limitation. Any judge of probate who is not a full-time judge under the provisions of RSA 547:2-a who retires from active regular service due to the provisions of RSA 493:2, relative to the constitutional age limitation, before January 1, 1981, after having served in such capacity for at least 7 years, or on January 1, 1981 or thereafter, having served in such capacity for at least 20 years; shall receive thereafter and until his death a salary equal to 3/4 of \$19,102 plus an adjustment proportional to any general pay increase granted to judicial branch employees payable in the same manner that salaries of judges of probate are paid. Such payments shall be a charge against the biennial appropriations for the probate court or from funds otherwise unappropriated. Retirement payments as provided in this section shall be in lieu of any rights or benefits under the New Hampshire retirement system to which such judge would otherwise be entitled. Any judge of probate who is a member of the state employees' retirement system or the New Hampshire retirement system may terminate his membership therein and upon termination any accumulated contributions shall be paid over to him on written request. No judge of probate whose membership is not so terminated shall be eligible for payments under this section.

Amend RSA 547:19-d as inserted by section 10 of the bill by replacing it with the following:

547:19-d Retirement at Age 65. Any judge of probate, who is not a full-time judge under the provisions of RSA 547:2-a, who retires upon becoming 65 years old after having served in such capacity for at least 20 years, shall receive thereafter and until his death a salary equal to 3/4 of the sum of \$19,102 plus an adjustment proportional to any general pay increase granted to judicial branch employees. Such payments shall be a charge against the biennial appropriations for the probate court, and shall be included by the administrative office of the courts in his request for appropriations. Retirement payments as provided in this section shall be in lieu of any rights or benefits under the New Hampshire retirement system to which such judge would otherwise be entitled. Any judge of probate who is a member of the state employees' retirement system or the New Hampshire retirement system may terminate his membership therein and upon termination any accumulated contributions shall be paid over to him on written request. No judge of probate whose membership is not so terminated shall be eligible for payments under this section.

#### AMENDED ANALYSIS

This bill abolishes special session fees for probate judges.

This bill, as amended, allows the supreme court to establish with the prior approval of the fiscal committee a weighted caseload formula for determining compensation of probate judges from October 3, 1986. This bill states that if application of the weighted compensation schedule results in a probate judge receiving a salary which equals 70 percent of the salary of a full-time district court justice, the supreme court may designate that such judge shall become full-time. A transitional adjustment in salary is provided for a 10-year period for probate judges who were appointed prior to October 3, 1986.

Under this bill, as amended, full-time probate judges shall receive the same salary and benefits as full-time district court justices. Full-time probate judges shall be prohibited from the practice of law.

This bill, as amended, also provides for retirement benefits for full-time and part-time probate judges.

HB 349-FN-A, relative to special education and certified programs for children and youth in out-of-home placements. (A) Ought to Pass with Amendment.

The Committee voted unanimously in favor of this bill as it defines rulemaking and certification for children and youth in out-of-home placement. The amendment removes the section relative to a budget lapse for the Youth Development Center and adds \$300,000 due to a cap on federal block grant funds. Vote 19-0. Rep. Joanne A. O'Rourke for Appropriations.

#### Amendment

Amend RSA 170-G:4 as inserted by section 9 of the bill by inserting after paragraph XIX the following new paragraph:

XX. Make a report to the health, education, and human services division of the house appropriations committee, which shall examine the division's changing needs, the efficiency of the division's implementation of legislative programs, and all other financial aspects of the division's operations, including the uses of funding. A copy of such report shall be submitted every 3 months to the chair of the health, education, and human services division of the house appropriations committee, the speaker of the house, and the president of the senate. The first of these reports shall be made by September 1, 1987.

Amend the bill by replacing section 10 with the following:

10 Estimated Federal Funds. The provisions of RSA 124:14 relative to estimated federal funds, shall not apply to the bureau of children, PAU 05-02-03-02 for the fiscal year ending June 30, 1987, for the sole purpose of satisfying a deficit estimated to be approximately \$300,000 due to the cap on federal block grant funds.

#### AMENDED ANALYSIS

The bill, as amended, specifies the procedure for counties to follow when the county has to reimburse the state for a portion of payments ordered for delinquent children, abused and neglected children, and children in need of services.

A new chapter requires a court to make written findings in certain placement proceedings, and to notify the division of children and youth services (DCYS) of its intention to order services.

The amendment adds a statutory definition for "experiential/wilderness facility".

This bill also gives the DCYS the duty to certify placements, programs and services provided to children for whom the division has been given responsibility by a court. The amendment gives the DCYS the duty to set rates for these services, placements and programs.

The bill, as amended, requires the DCYS to distribute copies of its statewide service plan, as well as periodic descriptions of needs not met by this plan.

Section 10 of the bill specifies that the bureau of children be exempted for fiscal year 1987 from the RSA provisions requiring a reduction in appropriation if the actual amount of federal grant received is less than estimated. This would be for the sole purpose of satisfying

a deficit estimated to be approximately \$300,000 due to the cap on federal block grant funds.

The bill, as amended, requires the division to submit a report every 3 months to the health, education, and human services division of the house appropriations committee, speaker of the house, and the president of the senate.

The bill also requires the house committee on children, youth and elderly affairs to further study services provided for children through the DCYS and to propose any necessary legislation in the 1988 session.

HB 350-FN-A, making an appropriation for catastrophic aid. (A)  
Inexpedient to Legislate.

The Committee responded to the need to fully fund Catastrophic Aid to Special Education as required by RSA 186-C, an amendment to HB 300, the budget bill. This addition to the budget bill will serve as direct aid to reduce school district costs for special education. Committee vote was unanimous on a voice vote. Rep. Ellen-Ann Robinson for Appropriations.

HB 367-FN-A, making a supplemental appropriation to the University of New Hampshire cooperative extension service. Ought to Pass with Amendment.

The Committee recommends that the funds in this bill for cooperative extension be handled in various sections of the budget. The amendment strikes the bill and establishes a committee to look at all the various aspects of cooperative extension funding in light of their large federal cutbacks. Vote 18-0. Rep. Elizabeth Hager for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a study committee to examine the  
cooperative extension service.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is hereby established a study committee consisting of the chairs of the following 7 committees or their designees: the house resources, recreation and development committee; the senate development, recreation and environment committee; the house appropriations committee; the senate finance committee; the house environment and agriculture committee; the house education committee; and the senate education committee. The member from the house appropriations committee shall call the first meeting, which shall be held before June 1, 1987. At the first meeting, the committee shall elect a chair from among its members.

#### 2 Purpose of Study Committee.

1. The study committee shall examine all sources of funding for the university of New Hampshire cooperative extension service, including federal, state, county, and local levels of government, as well as any other sources that may exist. The committee shall study how each of these sources contributes to the extension service; and what proportion of the extension service's total funding is contributed by each source.

11. The committee shall examine the efficiency of the use of extension service funding, with emphasis on the effects of known cutbacks in funding from federal sources.



3 Report. The committee shall make a report of its findings regarding funding sources and recommendations for the efficient use of funding before September 15, 1987, to the speaker of the house of representatives and the president of the senate.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

The bill, as amended, establishes a study committee to examine funding for the university of New Hampshire cooperative extension service.

HB 368-FN-A, increasing the AFDC shelter allowance and making an appropriation therefor. (A) Inexpedient to Legislate.

The Committee has addressed the need for an increase in the shelter allowance for AFDC recipients in the budget bill HB 300. The shelter allowance in HB 300 is the same as it was in this bill. Vote 22-0. Rep. Ellen-Ann Robinson for Appropriations.

HB 660-FN, relative to information services at highway rest areas and appropriating fees for these services. (A) Ought to Pass.

The Committee made no changes to this bill. It has negligible fiscal impact. Vote 18-0. Rep. Elizabeth Hager for Appropriations.

HB 696-FN, relative to interest payment calculations under the New Hampshire retirement system. (A) Ought to Pass with Amendment.

This bill requires the New Hampshire Retirement System to annually transfer the interest amount from the state annuity fund and compound monthly or more frequently as the Board may determine and allows to the date of processing upon termination of active service for any reason including withdrawal, retirement or death and appropriates \$13,000 for the purpose of administration of this act. Vote 18-0. Rep. Philip H. Weymouth for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to interest payment calculations under  
the New Hampshire retirement system and making  
an appropriation therefor.

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$13,000 for fiscal year ending June 30, 1988, is hereby appropriated to the New Hampshire retirement system from the New Hampshire retirement system administrative account for the purpose of the administration of this act by the board of trustees. This appropriation is in addition to any other funds appropriated to the New Hampshire retirement system.

3 Administration; Transition. The board of trustees of the New Hampshire retirement system shall have until September 1, 1987, to make the administrative, record keeping, and bookkeeping changes which shall be necessary in order to administer the provisions of this act.

4 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

As amended, this bill requires the New Hampshire retirement system board of trustees to annually transfer the interest amount from the state

annuity accumulation fund. Such interest shall be compounded monthly or more frequently as the board of trustees may determine and shall be allowed to the date of processing upon termination of active service for any reason including withdrawal, retirement, or death.

As amended, the bill appropriates \$13,000 to the New Hampshire retirement system from the retirement system administrative account for fiscal year 1988 in order to administer the act.

SB 95-FN-A, to reimburse the mediator of the Eidelweiss-Madison negotiations, and making an appropriation therefor. Inexpedient to Legislate.

The Committee appreciates the concern for this reimbursement, but feels it would be establishing a precedent that would be fiscally irresponsible. Vote 17-0. Rep. William F. Kidder for Appropriations.

SB 66, relative to the office of reimbursements. Ought to Pass. This is a technical amendment to current law to permit the Office of Reimbursements of the Division of Mental Health and Developmental Services to establish the rates in state institutions for persons with mental disabilities on other than a monthly basis, e.g., daily or hourly rates. Current law requires uniform monthly rates and it is inappropriate to establish rates for all services on a monthly basis. Vote 13-0. Rep. Alice Tirrell Knight for Health and Human Services.

SB 133-FN, relative to immunizing children. Ought to Pass with Amendment.

This is a very necessary bill to protect our younger as well as our older children in the schools and our society. It removes the bill from Education to Public Health Services, where it belongs as there are still outbreaks of these communicable diseases. This protects all children in private and public schools as well as day care. Vote 13-0. Rep. Edith Austin for Health and Human Services.

#### Amendment

Amend RSA 141-C:20-a, 1 as inserted by section 7 of the bill by replacing it with the following:

1. All parents or legal guardians shall have their children who are residing in this state immunized against certain diseases. These diseases shall include, but not be limited, to diphtheria, mumps, pertussis, poliomyelitis, rubella, rubeola, and tetanus. The director shall adopt rules under RSA 541-A relative to other diseases which require immunization.

Amend RSA 200:38, 11 as inserted by section 8 of the bill by replacing it with the following:

11. All children shall be examined prior to school entrance and periodically during the school years to detect the presence of tuberculosis.

SB 234-FN, authorizing the commissioner of health and human services to transfer authority for operation of medical assistance programs. Ought to Pass with Amendment.

This bill authorizes the Commissioner of Health and Human Services to transfer authority for operation of elements of the Medicaid program from the Division of Human Services to other offices within the Department. Amendments, adopted by the Committee, make the bill effective on passage and make it clear that rulemaking authority follows the transfer of authority. It is anticipated that transfers

will reduce paperwork requirements and increase levels of reimbursement from the Federal Government by more than \$1,000,000 a year. Vote 14-0. Rep. Mary J. Sullivan for Health and Human Services.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Expanded Authority. Amend RSA 126-A:4 by inserting after paragraph III the following new paragraph:

IV. The commissioner may delegate, transfer, or assign the authority to administer and operate any portion of the medical assistance programs required under RSA 161 and RSA 167 which are conducted by the division of human services to any other division or office within the department of health and human services. The division or office to which any such delegation, transfer, or assignment has been made may conduct or perform any act necessary to administer or operate the portion of the medical assistance program so delegated, transferred, or assigned which is within the authority of the division of human services to conduct or perform, including the adoption of rules pursuant to RSA 541-A.

2 Effective Date. This act shall take effect upon its passage.

SB 86-FN-A, relative to a memorial for Governor Sherman Adams. Ought to Pass with Amendment.

This bill appropriates \$1,000 to the Department of Administrative Services with which the Commissioner of that Department shall purchase and install a memorial in an appropriate place on Mount Washington. If a plaque is purchased, it shall be installed inside the Tip Top House. Vote 16-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Supplemental Appropriation; Memorial. In addition to any other sums appropriated to the department of administrative services, the sum of \$1,000 is hereby appropriated for the fiscal year ending June 30, 1988, to provide funds with which the commissioner of administrative services shall purchase and install on Mount Washington a plaque, or other suitable memorial, in memory of Governor Sherman Adams. If a plaque is purchased, it shall be placed inside the Tip Top House; if another memorial is purchased, it shall be installed at some appropriate place on Mount Washington. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

#### AMENDED ANALYSIS

This bill, as amended, appropriates \$1,000 to the department of administrative services with which the commissioner of that department shall purchase and install in an appropriate place on Mount Washington a plaque, or some other suitable memorial, in memory of Governor Sherman Adams.

Referred to Appropriations.

COMMITTEE REPORTS  
(Regular Calendar)

HB 91-FN-A, establishing a state liquor store in the town of Londonderry and making an appropriation therefor. Ought to Pass. This bill would appropriate \$221,600 for FY 88 and \$120,000 in FY 89 to establish a new liquor store in Londonderry. Vote 16-3. Rep. Caroline L. Gross for Appropriations.

Ordered to third reading.

HB 217-FN, relative to nursing home care costs paid by counties. Ought to Pass. This bill equalizes the county and state share for public assistance to recipients in nursing homes. The state and counties will now contribute 50% each of the non-federal share of financing the care at county nursing homes. State cost for the biennium: \$7.9M. Vote 16-3. Rep. Margaret A. Ramsay for Appropriations.

Ordered to third reading.

HB 273-FN-A, relative to congregate services programs and making an appropriation therefor. (A) Ought to Pass. This bill establishes a state congregate services program to provide specialized housing services for the frail elderly. State cost: \$120,000 each year. Vote 16-3. Rep. Joanne A. O'Rourke for Appropriations.

Ordered to third reading.

HB 300-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988, and June 30, 1989. Ought to Pass with Amendment. Vote 16-4. Rep. William F. Kidder for Appropriations.

Amendment

AMENDMENTS TO PAGE 1 04/01/87 ----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

AMEND SECTION 1 OF THE BILL BY MAKING THE FOLLOWING SPECIFIED CHANGES, AND BY CHANGING SUBTOTALS AND TOTALS AS HEREINAFTER SPECIFIED TO REFLECT THE SPECIFIED CHANGES.

- 01 GENERAL GOVERNMENT
- 02 LEGISLATIVE BRANCH
- 01 GENERAL COURT
- 01 SENATE

STRIKE OUT AFTER SOURCE OF FUNDS

PERMANENT EMPLOYEES AS DESIGNATED BY THE PRESIDENT OF THE SENATE SHALL BE ELIGIBLE FOR FRINGE BENEFITS AS PROVIDED FOR CLASSIFIED EMPLOYEES INCLUDING MEMBERSHIP IN THE RETIREMENT SYSTEM; MEDICAL, DENTAL AND LIFE INSURANCE COVERAGE; ANNUAL, SICK AND BONUS LEAVE; AND ANY OTHER BENEFITS THAT MAY BE GRANTED.

INSERT IN PLACE THEREOF

PERMANENT EMPLOYEES AS DESIGNATED BY THE PRESIDENT OF THE SENATE SHALL BE ELIGIBLE FOR FRINGE BENEFITS AS PROVIDED FOR CLASSIFIED EMPLOYEES INCLUDING MEMBERSHIP IN THE RETIREMENT SYSTEM; MEDICAL, DENTAL AND LIFE INSURANCE COVERAGE; ANNUAL, SICK AND BONUS LEAVE; AND ANY OTHER BENEFITS THAT MAY BE GRANTED.

- 01 GENERAL GOVERNMENT
- 02 LEGISLATIVE BRANCH
- 01 GENERAL COURT
- 02 HOUSE

STRIKE OUT  
95 MAJ. LEADERS SPECIAL ACCOUNT

60,000

75,000



AMENDMENTS TO		PAGE	2	04/01/87	----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
(CONT.) (CONT.) (CONT.)								
01 GENERAL GOVERNMENT 02 LEGISLATIVE BRANCH 01 GENERAL COURT 02 HOUSE								
INSERT IN PLACE THEREOF 95 PRINTING AND BINDING								
TOTAL					60,000		75,000	2810,139
STRIKE OUT AFTER SOURCE OF FUNDS								
PERMANENT EMPLOYEES AS DESIGNATED BY THE SPEAKER OF THE HOUSE SHALL BE ELIGIBLE FOR FRINGE BENEFITS AS PROVIDED FOR CLASSIFIED EMPLOYEES INCLUDING MEMBERSHIP IN THE RETIREMENT SYSTEM; MEDICAL, DENTAL, AND LIFE INSURANCE COVERAGE; ANNUAL, SICK AND BONUS LEAVE; AND ANY OTHER BENEFITS THAT MAY BE GRANTED.								
INSERT IN PLACE THEREOF								
PERMANENT EMPLOYEES AS DESIGNATED BY THE SPEAKER OF THE HOUSE SHALL BE ELIGIBLE FOR FRINGE BENEFITS AS PROVIDED FOR CLASSIFIED EMPLOYEES INCLUDING MEMBERSHIP IN THE RETIREMENT SYSTEM; MEDICAL, DENTAL, AND LIFE INSURANCE COVERAGE; ANNUAL, SICK AND BONUS LEAVE; AND ANY OTHER BENEFITS THAT MAY BE GRANTED.								
01 GENERAL GOVERNMENT 02 LEGISLATIVE BRANCH 01 GENERAL COURT 03 GENERAL COURT JOINT EXPENSES 01 JOINT EXPENSES - OPERATIONS								
STRIKE OUT AFTER SOURCE OF FUNDS								

AMENDMENTS TO HB0300 PAGE 3 04/01/87 ----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

01 GENERAL GOVERNMENT (CONT.)  
 02 LEGISLATIVE BRANCH (CONT.)  
 01 GENERAL COURT (CONT.)  
 03 GENERAL COURT JOINT EXPENSES (CONT.)  
 01 JOINT EXPENSES - OPERATIONS (CONT.)

PERMANENT EMPLOYEES AS APPROVED BY THE  
 LEGISLATIVE FACILITIES COMMITTEE SHALL BE  
 ELIGIBLE FOR FRINGE BENEFITS AS PROVIDED FOR  
 CLASSIFIED EMPLOYEES INCLUDING MEMBERSHIP IN  
 THE RETIREMENT SYSTEM; MEDICAL, DENTAL AND LIFE  
 INSURANCE COVERAGE; ANNUAL, SICK AND BONUS  
 LEAVE; AND ANY OTHER BENEFITS THAT MAY BE  
 GRANTED.

INSERT IN PLACE THEREOF

PERMANENT EMPLOYEES AS APPROVED BY THE  
 LEGISLATIVE FACILITIES COMMITTEE SHALL BE  
 ELIGIBLE FOR FRINGE BENEFITS AS PROVIDED FOR  
 CLASSIFIED EMPLOYEES INCLUDING MEMBERSHIP IN  
 THE RETIREMENT SYSTEM; MEDICAL, DENTAL AND LIFE  
 INSURANCE COVERAGE; ANNUAL, SICK AND BONUS  
 LEAVE; AND ANY OTHER BENEFITS THAT MAY BE  
 GRANTED.

01 GENERAL GOVERNMENT  
 02 LEGISLATIVE BRANCH  
 01 GENERAL COURT  
 03 GENERAL COURT JOINT EXPENSES  
 03 SUNSET COMMITTEE

STRIKE OUT AFTER SOURCE OF FUNDS

PERMANENT EMPLOYEES AS APPROVED BY  
 THE SUNSET COMMITTEE SHALL BE ELIGIBLE FOR  
 FRINGE BENEFITS AS PROVIDED FOR CLASSIFIED  
 EMPLOYEES INCLUDING MEMBERSHIP IN THE  
 RETIREMENT SYSTEM; MEDICAL, DENTAL AND LIFE  
 INSURANCE COVERAGE; ANNUAL, SICK AND BONUS

AMENDMENTS TO PAGE 4 04/01/87

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

01 GENERAL GOVERNMENT (CONT.)  
 02 LEGISLATIVE BRANCH (CONT.)  
 01 GENERAL COURT (CONT.)  
 03 GENERAL COURT JOINT EXPENSES (CONT.)  
 03 SUNSET COMMITTEE (CONT.)

LEAVE; AND ANY OTHER BENEFITS THAT MAY BE  
 GRANTED.  
 GRANTED.

INSERT IN PLACE THEREOF

PERMANENT EMPLOYEES AS APPROVED BY  
 THE SUNSET COMMITTEE SHALL BE ELIGIBLE FOR  
 FRINGE BENEFITS AS PROVIDED FOR CLASSIFIED  
 EMPLOYEES INCLUDING MEMBERSHIP IN THE  
 RETIREMENT SYSTEM; MEDICAL, DENTAL AND LIFE  
 INSURANCE COVERAGE; ANNUAL, SICK AND BONUS  
 LEAVE; AND ANY OTHER BENEFITS THAT MAY BE  
 GRANTED.

01 GENERAL GOVERNMENT  
 02 LEGISLATIVE BRANCH  
 01 GENERAL COURT  
 03 GENERAL COURT JOINT EXPENSES  
 04 VISITOR'S CENTER

STRIKE OUT AFTER SOURCE OF FUNDS

PERMANENT EMPLOYEES AS APPROVED BY THE  
 LEGISLATIVE FACILITIES COMMITTEE SHALL BE  
 ELIGIBLE FOR FRINGE BENEFITS AS PROVIDED FOR  
 CLASSIFIED EMPLOYEES INCLUDING MEMBERSHIP IN  
 THE RETIREMENT SYSTEM; MEDICAL, DENTAL AND LIFE  
 INSURANCE COVERAGE; ANNUAL, SICK AND BONUS  
 LEAVE; AND ANY OTHER BENEFITS THAT MAY BE  
 GRANTED.  
 GRANTED.

INSERT IN PLACE THEREOF

AMENDMENTS TO PAGE 5 04/01/87 ----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

01 GENERAL GOVERNMENT (CONT.)  
 02 LEGISLATIVE BRANCH (CONT.)  
 03 GENERAL COURT JOINT EXPENSES (CONT.)  
 04 VISITOR'S CENTER (CONT.)

PERMANENT EMPLOYEES AS APPROVED BY THE  
 LEGISLATIVE FACILITIES COMMITTEE SHALL BE  
 ELIGIBLE FOR FRINGE BENEFITS AS PROVIDED FOR  
 CLASSIFIED EMPLOYEES INCLUDING MEMBERSHIP IN  
 THE RETIREMENT SYSTEM; MEDICAL, DENTAL AND LIFE  
 INSURANCE COVERAGE; ANNUAL, SICK AND BONUS  
 LEAVE; AND ANY OTHER BENEFITS THAT MAY BE  
 GRANTED.

01 GENERAL GOVERNMENT  
 02 LEGISLATIVE BRANCH  
 03 GENERAL COURT  
 04 LEGISLATIVE ACCOUNTING

STRIKE 03 AFTER SOURCE OF FUNDS

PERMANENT EMPLOYEES AS APPROVED BY THE  
 LEGISLATIVE FACILITIES COMMITTEE SHALL BE  
 ELIGIBLE FOR FRINGE BENEFITS AS PROVIDED FOR  
 CLASSIFIED EMPLOYEES INCLUDING MEMBERSHIP IN  
 THE RETIREMENT SYSTEM; MEDICAL, DENTAL AND LIFE  
 INSURANCE COVERAGE; ANNUAL, SICK AND BONUS  
 LEAVE; AND ANY OTHER BENEFITS THAT MAY BE  
 GRANTED.

INSERT IN PLACE THEREOF

PERMANENT EMPLOYEES AS APPROVED BY THE  
 LEGISLATIVE FACILITIES COMMITTEE SHALL BE  
 ELIGIBLE FOR FRINGE BENEFITS AS PROVIDED FOR  
 CLASSIFIED EMPLOYEES INCLUDING MEMBERSHIP IN  
 THE RETIREMENT SYSTEM; MEDICAL, DENTAL AND LIFE  
 INSURANCE COVERAGE; ANNUAL, SICK AND BONUS

AMENDMENTS TO  
H80300 PAGE 6 04/01/87

01 GENERAL GOVERNMENT	(CONT.)
02 LEGISLATIVE BRANCH	(CONT.)
01 GENERAL COURT	(CONT.)
03 GENERAL COURT JOINT EXPENSES	(CONT.)
05 LEGISLATIVE ACCOUNTING	(CONT.)

LEAVE; AND ANY OTHER BENEFITS THAT MAY BE GRANTED.

TOTAL	3826,263	4408,766
ESTIMATED SOURCE OF FUNDS FOR		
GENERAL COURT		
GENERAL FUNDS	3784,263	4366,766
OTHER FUNDS	42,000	42,000
TOTAL	3826,263	4408,766
TOTAL	6956,550	7785,927
ESTIMATED SOURCE OF FUNDS FOR		
LEGISLATIVE BRANCH		
GENERAL FUNDS	6680,550	7509,927
OTHER FUNDS	276,000	276,000
TOTAL	6956,550	7785,927

01 GENERAL GOVERNMENT  
03 EXECUTIVE OFFICE  
02 EXECUTIVE COUNCIL

STRIKE OUT	
60 BENEFITS	10,896
INSTRUMENT IN PLACE	
60 BENEFITS	2,779
STRIKE OUT	
65 BENEFITS	8,251-
STRIKE OUT	
70 IN-STATE TRAVEL	16,300
INSTRUMENT IN PLACE	
70 IN-STATE TRAVEL	16,800

TOTAL	109,655	111,534
ESTIMATED SOURCE OF FUNDS FOR EXECUTIVE COUNCIL		



AMENDMENTS TO PAGE 7 04/01/87 FISCAL YEAR 1988 FISCAL YEAR 1989

01 GENERAL GOVERNMENT (CONT.)  
 03 EXECUTIVE OFFICE (CONT.)  
 02 EXECUTIVE COUNCIL (CONT.)

STRIKE OUT		
GENERAL FUND	109,155	111,034
INSERT IN PLACE THEREOF		
GENERAL FUND	109,655	111,534
TOTAL	109,655	111,534

STRIKE OUT AFTER SOURCE OF FUNDS  
 - THE FOLLOWING PAYMENTS SHALL BE MADE IN LIEU OF EXPENSES FOR MEMBERS OF THE EXECUTIVE COUNCIL:  
 FY 88 FY 89  
 DISTRICT I 4800 4800  
 DISTRICT II 3000 3000  
 DISTRICT III 3000 3000  
 DISTRICT IV 2500 2500  
 DISTRICT V 3000 3000  
 ONE TWELFTH OF THE AMOUNTS SPECIFIED HEREIN SHALL BE PAID TO THE COUNCILOR WHO WAS REPRESENTING THE DISTRICT ON THE LAST DAY OF EACH MONTH.

INSERT IN PLACE THEREOF  
 - THE FOLLOWING PAYMENTS SHALL BE MADE IN LIEU OF EXPENSES FOR MEMBERS OF THE EXECUTIVE COUNCIL:  
 FY 88 FY 89  
 DISTRICT I 4800 4800  
 DISTRICT II 3000 3000  
 DISTRICT III 3000 3000  
 DISTRICT IV 3000 3000  
 DISTRICT V 3000 3000  
 ONE TWELFTH OF THE AMOUNTS SPECIFIED HEREIN SHALL BE PAID TO THE COUNCILOR WHO WAS REPRESENTING THE DISTRICT ON THE LAST DAY OF EACH

AMENDMENTS TO	PAGE	8	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB030					
(CONT.)					
01 GENERAL GOVERNMENT					
03 EXECUTIVE OFFICE					
02 EXECUTIVE COUNCIL					
(CONT.)					
MONTH.					
TOTAL				32247,273	31831,477
ESTIMATED SOURCE OF FUNDS FOR					
EXECUTIVE OFFICE					
FEDERAL FUNDS				27591,094	26980,310
GENERAL FUNDS				3688,488	3809,912
OTHER FUNDS				967,691	1041,255
TOTAL				32247,273	31831,477
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
04 DIVISION OF PERSONNEL					
01 PERSONNEL ADMIN & SUPPORT					
STRIKE OUT					
93 CLASS./EXAM SYSTEM			400,000		
INSERT IN PLACE THEREOF				350,000	
93 CLASS./EXAM SYSTEM		*	400,000	350,000	
INSERT					
* THESE FUNDS MAY BE EXPENDED WITH PRIOR APPROVAL					
OF THE FISCAL COMMITTEE.					
TOTAL				1220,680	1194,860
TOTAL				1332,636	1315,031
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF PERSONNEL					
GENERAL FUNDS				1332,636	1315,031
TOTAL				1332,636	1315,031
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
03 LEGISLATIVE OFFICE BLDG					
STRIKE OUT					
43 CONT MAINT BLDGS & GROUNDS		H	14,400		

AMENDMENTS TO	PAGE	9	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HBO300					
01 GENERAL GOVERNMENT 04 DEPARTMENT OF ADMINISTRATIVE SERVICES 05 DIVISION OF PLANT & PROPERTY 05 BUREAU OF GENERAL SERVICES 05 LEGISLATIVE OFFICE BLDG (CONT.) (CONT.) (CONT.) (CONT.) (CONT.)					
INSERT IN PLACE THEREOF 48 CONT. MAINT. BLDGS & GROUNDS			14,400		
TOTAL			250,906		242,125
01 GENERAL GOVERNMENT 04 DEPARTMENT OF ADMINISTRATIVE SERVICES 05 DIVISION OF PLANT & PROPERTY 05 BUREAU OF GENERAL SERVICES 04 OLD MILL #1					
STRIKE OUT 48 CONT. MAINT. BLDGS & GROUNDS H			16,000	16,000	
INSERT IN PLACE THEREOF 48 CONT. MAINT. BLDGS & GROUNDS			16,000	16,000	
TOTAL			139,325		143,634
01 GENERAL GOVERNMENT 04 DEPARTMENT OF ADMINISTRATIVE SERVICES 05 DIVISION OF PLANT & PROPERTY 05 BUREAU OF GENERAL SERVICES 05 HEALTH & HUMAN SVCS BLDG					
STRIKE OUT 48 CONT. MAINT. BLDGS & GROUNDS H			109,508	102,811	
INSERT IN PLACE THEREOF 48 CONT. MAINT. BLDGS & GROUNDS			109,508	102,811	
TOTAL			1735,884		1780,170
01 GENERAL GOVERNMENT 04 DEPARTMENT OF ADMINISTRATIVE SERVICES 05 DIVISION OF PLANT & PROPERTY 05 BUREAU OF GENERAL SERVICES 07 ANDERSON BUILDING					
STRIKE OUT 48 CONT. MAINT. BLDGS & GROUNDS H			8,446	2,067	

AMENDMENTS TO	PAGE	10	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300					
(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)					
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
07 ANDERSON BUILDING					
INSERT IN PLACE THEREOF					
48 CONT. MAINT BLDGS & GROUNDS				8,446	2,067
TOTAL				27,520	21,534
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
08 SAFETY BUILDING					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS				68,639	62,100
INSERT IN PLACE THEREOF				68,639	62,100
48 CONT. MAINT BLDGS & GROUNDS					
TOTAL				387,772	399,740
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
09 MORTON BUILDING					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS				6,400	
INSERT IN PLACE THEREOF				6,400	
48 CONT. MAINT BLDGS & GROUNDS					
TOTAL				271,830	280,160
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
10 LONGERGAN HALL					
STRIKE OUT					
20 CURRENT EXPENSES				13,324	13,565

AMENDMENTS TO	PAGE	11	04/01/87			FISCAL YEAR 1988		FISCAL YEAR 1989	
H80300									
01 GENERAL GOVERNMENT									
04 DEPARTMENT OF ADMINISTRATIVE SERVICES									
05 DIVISION OF PLANT & PROPERTY									
05 BUREAU OF GENERAL SERVICES									
10 LONDERGAN HALL									
INSERT IN PLACE THEREOF									
20 CURRENT EXPENSES				25,711				25,882	
STRIKE OUT									
48 CONT. MAINT BLDGS & GROUNDS H				134,500				128,150	
INSERT IN PLACE THEREOF									
48 CONT. MAINT BLDGS & GROUNDS				134,500				128,150	
TOTAL						329,872			336,989
ESTIMATED SOURCE OF FUNDS FOR									
LONDERGAN HALL									
STRIKE OUT									
01 RENTAL INCOME						317,485			324,672
INSERT IN PLACE THEREOF									
01 RENTAL INCOME						329,872			336,989
TOTAL						329,872			336,989
01 GENERAL GOVERNMENT									
04 DEPARTMENT OF ADMINISTRATIVE SERVICES									
05 DIVISION OF PLANT & PROPERTY									
05 BUREAU OF GENERAL SERVICES									
11 JOHNSON HALL									
STRIKE OUT									
48 CONT. MAINT BLDGS & GROUNDS H				53,628				53,133	
INSERT IN PLACE THEREOF									
48 CONT. MAINT BLDGS & GROUNDS				53,628				53,133	
TOTAL						139,940			148,939
TOTAL						5136,610			5037,638
ESTIMATED SOURCE OF FUNDS FOR									
BUREAU OF GENERAL SERVICES									
GENERAL FUNDS				2091,267					1925,502
OTHER FUNDS				3045,343					3132,136
TOTAL				5136,610					5037,638
TOTAL						7703,200			7730,753



AMENDMENTS TO	PAGE	12	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)						
(CONT.)						
(CONT.)						
01 GENERAL GOVERNMENT						
04 DEPARTMENT OF ADMINISTRATIVE SERVICES						
05 DIVISION OF PLANT & PROPERTY						
ESTIMATED SOURCE OF FUNDS FOR						
DIVISION OF PLANT & PROPERTY						
FEDERAL FUNDS					165,208	165,208
GENERAL FUNDS					3246,752	3147,497
OTHER FUNDS					4291,240	4418,048
TOTAL					7703,200	7730,753
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR					24490,765	23864,371
DEPARTMENT OF ADMINISTRATIVE SERVICES						
FEDERAL FUNDS					165,208	165,208
GENERAL FUNDS					16543,019	15961,743
OTHER FUNDS					7782,538	7737,420
TOTAL					24490,765	23864,371
01 GENERAL GOVERNMENT						
06 LIBRARIES, ARTS, & HISTORIC RES.						
03 DIVISION OF THE ARTS						
02 STATE ARTS ADMINISTRATION						
INSERT						
95 RURAL ARTS INITIATIVE				75,000		75,000
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR				425,848		437,495
STATE ARTS ADMINISTRATION						
STRIKE OUT						
GENERAL FUND				350,848		362,495
INSERT IN PLACE THEREOF				425,848		437,495
GENERAL FUND				425,848		437,495
TOTAL						
TOTAL					846,024	858,388
ESTIMATED SOURCE OF FUNDS FOR						
DIVISION OF THE ARTS						
FEDERAL FUNDS					383,600	383,600

AMENDMENTS TO	PAGE	13	06/01/87			FISCAL YEAR 1988	FISCAL YEAR 1989
HB0300							
01 GENERAL GOVERNMENT				(CONT.)			
06 LIBRARIES, ARTS, & HISTORIC RES.				(CONT.)			
03 DIVISION OF THE ARTS				(CONT.)			
GENERAL FUNDS							
TOTAL						462,424	474,788
						846,024	858,388
TOTAL						3615,594	3729,966
ESTIMATED SOURCE OF FUNDS FOR							
LIBRARIES, ARTS, & HISTORIC RES.						1270,467	1296,865
FEDERAL FUNDS						2345,127	2433,101
GENERAL FUNDS						3615,594	3729,966
TOTAL							
01 GENERAL GOVERNMENT							
07 REVENUE ADMINISTRATION							
01 COMMUNITY SERVICES							
02 MUNICIPAL SERVICES							
STRIKE OUT					229,586		240,184
10 PERSONAL SERVICES - PERMANENT							
INSERT IN PLACE THEREOF					230,951		241,516
10 PERSONAL SERVICES - PERMANENT *							
STRIKE OUT					48,213		52,840
60 BENEFITS							
INSERT IN PLACE THEREOF					48,499		53,134
60 BENEFITS							
INSERT							
*							
POSITION NUMBER 14500, SECRETARY TYPIST II, IS							
HEREBY ABOLISHED EFFECTIVE JULY 1, 1987.							
POSITION NUMBER 00001, CLERK IV, LABOR GRADE							
11 IS HEREBY AUTHORIZED EFFECTIVE JULY 1, 1987.							
TOTAL						302,300	317,355
ESTIMATED SOURCE OF FUNDS FOR							
MUNICIPAL SERVICES							
STRIKE OUT						299,649	314,729
GENERAL FUND							

AMENDMENTS TO	PAGE	14	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
01 GENERAL GOVERNMENT				(CONT.)		
07 REVENUE ADMINISTRATION				(CONT.)		
01 COMMUNITY SERVICES				(CONT.)		
02 MUNICIPAL SERVICES				(CONT.)		
INSERT IN PLACE THEREOF						
GENERAL FUND						
TOTAL					301,300	316,355
					302,300	317,355
TOTAL					1962,678	2060,233
ESTIMATED SOURCE OF FUNDS FOR						
COMMUNITY SERVICES						
GENERAL FUNDS					1525,671	1623,226
OTHER FUNDS					437,007	437,007
TOTAL					1962,678	2060,233
TOTAL					5831,249	6120,714
ESTIMATED SOURCE OF FUNDS FOR						
REVENUE ADMINISTRATION						
GENERAL FUNDS					5394,242	5683,707
OTHER FUNDS					437,007	437,007
TOTAL					5831,249	6120,714
01 GENERAL GOVERNMENT						
08 STATE TREASURY						
03 SPECIAL GENERAL FUND DISTRIB						
STRIKE OUT						
95 LOCAL ENVIRONMENTAL GRANTS						
TOTAL					12435,089	12538,637
ESTIMATED SOURCE OF FUNDS FOR						
SPECIAL GENERAL FUND DISTRIB					92012,191	96415,429
STRIKE OUT						
GENERAL FUND					103537,440	108050,413
INSERT IN PLACE THEREOF						
GENERAL FUND					91102,351	95511,776
TOTAL					92012,191	96415,429
TOTAL					92780,562	97224,003

AMENDMENTS TO  
HBQ300  
PAGE 15 04/01/87

	FISCAL YEAR 1988	FISCAL YEAR 1989
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01 GENERAL GOVERNMENT  
08 STATE TREASURY

(CONT.)  
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR  
STATE TREASURY  
GENERAL FUNDS  
OTHER FUNDS  
TOTAL

96320,350  
903,653  
97224,003

96320,350  
903,653  
97224,003

01 GENERAL GOVERNMENT  
10 NH RETIREMENT SYSTEM  
01 ADMINISTRATION

STRIKE OUT  
20 CURRENT EXPENSES  
INSERT IN PLACE THEREOF  
20 CURRENT EXPENSES  
STRIKE OUT  
30 EQUIPMENT  
INSERT IN PLACE THEREOF  
30 EQUIPMENT

86,091	86,091
90,891	90,891
11,362	12,172
6,562	7,372

1279,243  
9939,912

TOTAL	ESTIMATED SOURCE OF FUNDS FOR
	NH RETIREMENT SYSTEM
	GENERAL FUNDS
	OTHER FUNDS

8660, 669  
1279, 243  
9939, 912

182183, 186

TOTAL	ESTIMATED SOURCE OF FUNDS FOR
	GENERAL GOVERNMENT
	FEDERAL FUNDS
	GENERAL FUNDS
	OTHER FUNDS
TOTAL	

28442, 383  
141799, 306  
11941, 497  
182183, 186

29026, 769  
135993, 413  
11943, 613  
176963, 795

AMENDMENTS TO PAGE 16 04/01/87

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

(CONT.)

01 GENERAL GOVERNMENT

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
01 JUDICIAL BRANCH  
02 SUPERIOR COURT

INSERT		
52 MASTERS - FICA		440,000
STRIKE OUT		
60 BENEFITS		1186,008
INSERT IN PLACE THEREOF	1053,416	
60 BENEFITS		1219,052
STRIKE OUT		
70 IN-STATE TRAVEL	154,500	155,000
INSERT IN PLACE THEREOF	186,500	187,000
70 IN-STATE TRAVEL		
STRIKE OUT		
90 ACTING JUDGE /MASTERS	300,000	300,000
INSERT IN PLACE THEREOF		17,664
90 ACTING JUDGE /MASTERS	17,664	

INSERT

\*  
WITHIN THIS APPROPRIATION IS FUNDING FOR NOT  
MORE THAN 8 FULL-TIME MASTERS TO BE COMPENSATED  
IN AN AMOUNT NOT TO EXCEED \$55,000 EACH FISCAL  
YEAR. THESE MASTERS MAY ELECT HEALTH INSURANCE  
BENEFITS, OR MAY BE FURTHER COMPENSATED IN AN  
AMOUNT EQUAL TO THE RATE FOR HEALTH INSURANCE  
PROVIDED TO STATE EMPLOYEES IN THIS ACT. NO  
OTHER BENEFITS WILL BE PROVIDED.

TOTAL	10020,410	10507,713
ESTIMATED SOURCE OF FUNDS FOR		
SUPERIOR COURT		
INSERT		
01 TRANSFERS FROM OTHER AGENCIES	124,485	124,485



AMENDMENTS TO		PAGE	17	04/01/87	----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
H80300								
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)								
01 JUDICIAL BRANCH (CONT.)								
02 SUPERIOR COURT (CONT.)								
STRIKE OUT								
GENERAL FUND								
INSERT IN PLACE THEREOF								
GENERAL FUND								
TOTAL								
8799,286								
9285,005								
8895,925								
9383,228								
10020,410								
10507,713								
INSERT AFTER SOURCE OF FUNDS								
THE ADMINISTRATIVE OFFICE OF THE COURTS WILL								
NEGOTIATE A COOPERATIVE AGREEMENT WITH THE								
BUREAU OF CHILD SUPPORT FOR REIMBURSEMENT FOR								
CASES REFERRED BY MASTERS TO THE BUREAU. IN								
THE EVENT THAT FEDERAL FUNDS REIMBURSEMENT								
EXCEEDS THE AMOUNT BUDGETED AS INCOME FROM THE								
BUREAU FOR FY 1988 AND FY 1989, THE ADDITIONAL								
INCOME IS HEREBY APPROPRIATED AND THE GENERAL								
FUND APPROPRIATION FOR THIS PAU SHALL BE								
REDUCED BY THE AMOUNT OF SAID ADDITIONAL								
FEDERAL FUNDS.								
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION								
01 JUDICIAL BRANCH								
03 PROBATE COURT								
STRIKE OUT								
10 PERSONAL SERVICES - PERMANENT								
INSERT IN PLACE THEREOF								
10 PERSONAL SERVICES - PERMANENT								
STRIKE OUT								
60 BENEFITS								
INSERT IN PLACE THEREOF								
60 BENEFITS								
TOTAL								
2017,544								
2089,052								
1132,927								
1247,927								
308,095								
333,395								
1068,792								
1183,792								
278,631								
302,781								

AMENDMENTS TO PAGE 18 04/01/87 ----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
01 JUDICIAL BRANCH (CONT.)  
03 PROBATE COURT (CONT.)

ESTIMATED SOURCE OF FUNDS FOR		
PROBATE COURT		
STRIKE OUT	1878,394	1948,752
GENERAL FUND		
INSERT IN PLACE THEREOF	2017,544	2089,052
GENERAL FUND	2017,544	2089,052
TOTAL		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
01 JUDICIAL BRANCH  
07 BAR EXAMINERS

# STRIKE OUT AFTER SOURCE OF FUNDS

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS. ALL BOARDS AND COMMISSIONS WHICH HAVE NOT ALREADY ESTABLISHED FEES FOR EXAMINATION OF APPLICANTS FOR A LICENSE OR REGISTRATION, A PUBLICATION WHICH THEY SELL, OR ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFICALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH PROGRAMS. SUCH FEES SHALL RECOVER, ON AN ANNUAL OR BIENNIAL BASIS, THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE BOARD OR COMMISSION RELATING TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION OF APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF

AMENDMENTS TO	PAGE	19	04/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
480300						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
01 JUDICIAL BRANCH						
07 BAR EXAMINERS						
				(CONT.)		
				(CONT.)		
				(CONT.)		
THE EXAMINATION.						
INSERT IN PLACE THEREOF						
THE SUPREME COURT SHALL ESTABLISH FEES TO RECOVER, ON AN ANNUAL OR BIENNIAL BASIS, THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE PROGRAM, WHICHEVER IS GREATER. FEES ESTABLISHED FOR EXAMINATIONS MAY BE EXPENDED FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.						
TOTAL				27353,017	28219,263	
ESTIMATED SOURCE OF FUNDS FOR						
JUDICIAL BRANCH						
GENERAL FUNDS				25228,532	26094,778	
OTHER FUNDS				2124,485	2124,485	
TOTAL				27353,017	28219,263	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
02 ADJUTANT GENERAL DEPARTMENT						
01 NEW HAMPSHIRE NATIONAL GUARD						
01 CENTRAL ADMINISTRATIVE OFFICE						
STRIKE OUT						
48 CONT. MAINT BLDGS & GROUNDS						30,500
INSERT IN PLACE THEREOF						
48 CONT. MAINT BLDGS & GROUNDS						30,500
TOTAL				1395,694	2089,143	1450,302
TOTAL				2019,569		
ESTIMATED SOURCE OF FUNDS FOR						
NEW HAMPSHIRE NATIONAL GUARD						

AMENDMENTS TO	PAGE	20	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<b>02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)</b>					
<b>02 ADJUTANT GENERAL DEPARTMENT (CONT.)</b>					
<b>01 NEW HAMPSHIRE NATIONAL GUARD (CONT.)</b>					
FEDERAL FUNDS				485,518	497,804
GENERAL FUNDS				1516,371	1573,659
OTHER FUNDS				17,680	17,680
TOTAL				2019,569	2089,143
TOTAL				2019,569	2089,143
ESTIMATED SOURCE OF FUNDS FOR					
ADJUTANT GENERAL DEPARTMENT					
FEDERAL FUNDS				485,518	497,804
GENERAL FUNDS				1516,371	1573,659
OTHER FUNDS				17,680	17,680
TOTAL				2019,569	2089,143
<b>02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION</b>					
<b>03 AGRICULTURE</b>					
<b>01 OFFICE OF COMMISSIONER</b>					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS			H		
INSERT IN PLACE THEREOF				7,000	
48 CONT. MAINT BLDGS & GROUNDS				7,000	
TOTAL				506,725	519,884
TOTAL				1864,992	1834,987
ESTIMATED SOURCE OF FUNDS FOR					
AGRICULTURE					
FEDERAL FUNDS				17,499	17,528
GENERAL FUNDS				1827,293	1797,259
OTHER FUNDS				20,200	20,200
TOTAL				1864,992	1834,987
<b>02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION</b>					
<b>04 ATTORNEY GENERAL</b>					
<b>02 DIVISION OF PUBLIC PROTECTION</b>					
<b>01 CRIMINAL JUSTICE</b>					
ESTIMATED SOURCE OF FUNDS FOR					
CRIMINAL JUSTICE					

AMENDMENTS TO	PAGE	21	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
880300					
Q2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
Q4 ATTORNEY GENERAL (CONT.)					
Q2 DIVISION OF PUBLIC PROTECTION (CONT.)					
Q1 CRIMINAL JUSTICE					
STRIKE OUT					
Q1				39,923	40,706
INSERT IN PLACE THEREOF				39,923	40,706
Q1 TRANSFER FROM OTHER AGENCY				953,692	968,057
TOTAL					
TOTAL				2317,200	2556,163
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF PUBLIC PROTECTION				193,431	201,392
FEDERAL FUNDS				1865,592	2110,110
GENERAL FUNDS				238,177	244,461
OTHER FUNDS				2317,200	2556,163
TOTAL					
TOTAL				4,279,999	4,620,575
ESTIMATED SOURCE OF FUNDS FOR					
ATTORNEY GENERAL				233,431	241,392
FEDERAL FUNDS				3215,021	3514,483
GENERAL FUNDS				831,527	864,700
OTHER FUNDS				4,279,999	4,620,575
TOTAL					
Q2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
Q5 BANK COMMISSION					
Q1 GENERAL SERVICES AND ADMIN.					
ESTIMATED SOURCE OF FUNDS FOR					
GENERAL SERVICES AND ADMIN.				1079,827	1128,815
STRIKE OUT					
Q5 BANK COMM MISC INCOME				1101,827	1132,815
INSERT IN PLACE THEREOF					
Q9 BANK COMM MISC INCOME				22,000	4,000
STRIKE OUT					
GENERAL FUND				1101,827	1132,815
TOTAL					



AMENDMENTS TO	PAGE	22	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
05 BANK COMMISSION 01 GENERAL SERVICES AND ADMIN.					
(CONT.)					
(CONT.)					
(CONT.)					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
05 BANK COMMISSION					
02 SMALL LOAN & VEHICLE FINANCE					
ESTIMATED SOURCE OF FUNDS FOR					
SMALL LOAN & VEHICLE FINANCE					
STRIKE OUT					
09 EXAMINATION-SMALL LOANS					
INSERT IN PLACE THEREOF					
09 EXAMINATION-SMALL LOANS					
STRIKE OUT					
GENERAL FUND					
TOTAL					
70,195					
56,240					
48,195					
50,240					
22,000-					
48,195					
4,000-					
50,240					
1183,055					
1150,022					
1150,022					
1150,022					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
13 LIQUOR COMMISSION					
04 MERCHANDISING					
02 STORES					
01 STORES					
INSERT					
46 CONSULTANTS					
STRIKE OUT					
48 CONT. MAINT BLOGS & GROUNDS					
H					
INSERT IN PLACE THEREOF					
48 CONT. MAINT BLOGS & GROUNDS					
TOTAL					
12115,687					
12752,478					
183,000					
158,000					
46,000					
52,000					
46,000					
52,000					

AMENDMENTS TO	PAGE	23	04/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
H80300						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
13 LIQUOR COMMISSION				(CONT.)		
04 MERCHANDISING				(CONT.)		
02 STORES				(CONT.)		
01 STORES				(CONT.)		
ESTIMATED SOURCE OF FUNDS FOR						
STORES						
STRIKE OUT						
GENERAL FUND					11932,687	12594,478
INSERT IN PLACE THEREOF					12115,687	12752,478
GENERAL FUND					12115,687	12752,478
TOTAL						13139,193
TOTAL					12502,402	
ESTIMATED SOURCE OF FUNDS FOR						
STORES					12502,402	13139,193
GENERAL FUNDS					12502,402	13139,193
TOTAL						13645,075
TOTAL					12984,191	
ESTIMATED SOURCE OF FUNDS FOR						
MERCHANDISING					12984,191	13645,075
GENERAL FUNDS					12984,191	13645,075
TOTAL						
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
13 LIQUOR COMMISSION						
05 WAREHOUSE						
STRIKE OUT						
48 CONT. MAINT BLDGS & GROUNDS					31,000	25,000
INSERT IN PLACE THEREOF						
48 CONT. MAINT BLDGS & GROUNDS					31,000	25,000
TOTAL						956,553
TOTAL					941,834	
ESTIMATED SOURCE OF FUNDS FOR						
LIQUOR COMMISSION					17204,102	18060,332
GENERAL FUNDS					17204,102	18060,332

AMENDMENTS TO		PAGE	24	04/01/87	----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
H0300								
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)								
13 LIQUOR COMMISSION (CONT.)								
TOTAL					17204,102		18060,332	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION								
15 DEPARTMENT OF SAFETY								
01 ADMINISTRATION AND SUPPORT								
01 OFFICE OF COMMISSIONER								
01 OFFICE OF COMMISSIONER								
STRIKE OUT								
48 CONT. MAINT BLDGS & GROUNDS H 135,500								
INSERT IN PLACE THEREOF								
48 CONT. MAINT BLDGS & GROUNDS 135,500								
TOTAL					588,086		474,309	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION								
15 DEPARTMENT OF SAFETY								
01 ADMINISTRATION AND SUPPORT								
01 OFFICE OF COMMISSIONER								
06 CENTRAL MAINTENANCE								
STRIKE OUT								
90 CENTRAL MAINTENANCE H 10,000								
INSERT IN PLACE THEREOF								
90 CENTRAL MAINTENANCE 10,000								
TOTAL					10,000		10,000	
TOTAL					5137,959		5158,441	
ESTIMATED SOURCE OF FUNDS FOR								
OFFICE OF COMMISSIONER								
FEDERAL FUNDS								
OTHER FUNDS								
TOTAL					219,449		228,955	
					4918,510		4929,486	
					5137,959		5158,441	
TOTAL					6269,922		6338,529	
ESTIMATED SOURCE OF FUNDS FOR								
ADMINISTRATION AND SUPPORT								

AMENDMENTS TO	PAGE	25	04/01/87			FISCAL YEAR 1988	FISCAL YEAR 1989
H80300							
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)							
15 DEPARTMENT OF SAFETY (CONT.)							
01 ADMINISTRATION AND SUPPORT							
FEDERAL FUNDS						219,449	228,955
OTHER FUNDS						6050,473	6109,374
TOTAL						6269,922	6338,329
TOTAL						31504,169	31806,181
ESTIMATED SOURCE OF FUNDS FOR							
DEPARTMENT OF SAFETY							
FEDERAL FUNDS						219,449	228,955
GENERAL FUNDS						2310,237	2279,214
OTHER FUNDS						28974,463	29286,012
TOTAL						31504,169	31806,181
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION							
16 DEPARTMENT OF CORRECTIONS							
01 OFFICE OF COMMISSIONER							
02 PAROLE BOARD							
INSERT					2,000		
90 WITNESS FEES							
INSERT						2,000	
THESE FUNDS ARE HEREBY APPROPRIATED ONLY IF HB 425 IS ENACTED INTO LAW.							
TOTAL						101,228	106,428
ESTIMATED SOURCE OF FUNDS FOR							
PAROLE BOARD							
STRIKE OUT							
GENERAL FUND						99,228	104,428
INSERT IN PLACE THEREOF						101,228	106,428
GENERAL FUND						101,228	106,428
TOTAL							
						430,119	450,134
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
OFFICE OF COMMISSIONER							

AMENDMENTS TO	PAGE	26	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
16 DEPARTMENT OF CORRECTIONS (CONT.)					
01 OFFICE OF COMMISSIONER (CONT.)					
GENERAL FUNDS					
TOTAL				430,119	450,134
				430,119	450,134
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
16 DEPARTMENT OF CORRECTIONS					
03 DIVISION OF ADULT SERVICES					
02 BUREAU OF PROGRAMS & SERVICES					
04 MAINTENANCE					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS			84,400		
INSERT IN PLACE THEREOF					
48 CONT. MAINT BLDGS & GROUNDS			84,400		
TOTAL			1619,504		1468,708
TOTAL			6308,567		6494,325
ESTIMATED SOURCE OF FUNDS FOR					
BUREAU OF PROGRAMS & SERVICES					
GENERAL FUNDS			6288,644		6474,363
OTHER FUNDS			19,923		19,962
TOTAL			6308,567		6494,325
TOTAL			13624,215		14309,466
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF ADULT SERVICES					
GENERAL FUNDS			13568,292		14253,504
OTHER FUNDS			55,923		55,962
TOTAL			13624,215		14309,466
TOTAL			19883,073		20799,187
ESTIMATED SOURCE OF FUNDS FOR					
DEPARTMENT OF CORRECTIONS					
GENERAL FUNDS			19827,150		20743,225
OTHER FUNDS			55,923		55,962
TOTAL			19883,073		20799,187
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
18 DEPARTMENT OF EMPLOYMENT SECURITY					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT			6994,732		7290,385



AMENDMENTS TO	PAGE	27	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<b>H80300</b>						
<b>02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)</b>						
<b>18 DEPARTMENT OF EMPLOYMENT SECURITY (CONT.)</b>						
INSERT IN PLACE THEREOF					7032,865	7329,972
TO PERSONAL SERVICES - PERMANENT						
STRIKE OUT					1549,509	1689,963
GO BENEFITS						
INSERT IN PLACE THEREOF					1557,517	1698,673
GO BENEFITS						
TOTAL					12491,793	12832,634
ESTIMATED SOURCE OF FUNDS FOR						
DEPARTMENT OF EMPLOYMENT SECURITY						
STRIKE OUT					11725,852	12060,023
EMPLOYMENT SECURITY						
INSERT IN PLACE THEREOF					11771,993	12108,320
EMPLOYMENT SECURITY					12491,793	12832,634
TOTAL					130280,489	134253,981
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION						
FEDERAL FUNDS					14515,823	14913,896
GENERAL FUNDS					74875,966	77904,003
OTHER FUNDS					40888,700	41436,082
TOTAL					130280,489	134253,981
<b>03 RESOURCE PROTECTION AND DEVELOPMENT</b>						
<b>01 FISH AND GAME DEPARTMENT</b>						
<b>01 ADMINISTRATION AND SUPPORT</b>						
<b>04 INFORMATION &amp; EDUCATION</b>						
ESTIMATED SOURCE OF FUNDS FOR						
INFORMATION & EDUCATION						
STRIKE OUT					2,958	2,958
01 TRNSFR OHRV EDUC & TRNG				I		
INSERT IN PLACE THEREOF					2,958	2,958
01 TRNSFR OHRV EDUC & TRNG						
STRIKE OUT						
05 AGENCY INCOME				I	120,900	154,900

AMENDMENTS TO	PAGE	28	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<p>HB0300</p>					
<p>03 RESOURCE PROTECTION AND DEVELOPMENT (CONT.)</p>					
<p>01 FISH AND GAME DEPARTMENT (CONT.)</p>					
<p>01 ADMINISTRATION AND SUPPORT (CONT.)</p>					
<p>04 INFORMATION &amp; EDUCATION</p>					
<p>INSERT IN PLACE THEREOF</p>					
<p>05 AGENCY INCOME</p>					
<p>TOTAL</p>					
<p>03 RESOURCE PROTECTION AND DEVELOPMENT</p>					
<p>01 FISH AND GAME DEPARTMENT</p>					
<p>01 ADMINISTRATION AND SUPPORT</p>					
<p>05 MAINTENANCE &amp; CONSTRUCTION</p>					
<p>STRIKE OUT</p>					
<p>48 CONT. MAINT BLDGS &amp; GROUNDS H 56,000</p>					
<p>INSERT IN PLACE THEREOF</p>					
<p>48 CONT. MAINT BLDGS &amp; GROUNDS 56,000</p>					
<p>TOTAL</p>					
<p>03 RESOURCE PROTECTION AND DEVELOPMENT</p>					
<p>01 FISH AND GAME DEPARTMENT</p>					
<p>01 ADMINISTRATION AND SUPPORT</p>					
<p>06 HUNTER SAFETY PROGRAM</p>					
<p>INSERT AFTER SOURCE OF FUNDS</p>					
<p>THE FISH AND GAME DEPARTMENT MAY, WITH PRIOR</p>					
<p>APPROVAL OF THE FISCAL COMMITTEE AND WITH THE</p>					
<p>APPROVAL OF THE GOVERNOR AND COUNCIL, TRANSFER</p>					
<p>FUNDS BETWEEN PAU 03-01-03-07, PAU 03-01-03-08,</p>					
<p>AND PAU'S 03-01-01 TO EFFECTIVELY AND EFFICI-</p>					
<p>ENTLY OPERATE THE DEPARTMENT.</p>					
<p>TOTAL</p>					
<p>ESTIMATED SOURCE OF FUNDS FOR</p>					
<p>ADMINISTRATION AND SUPPORT</p>					
<p>1506,819</p>					
<p>1610,414</p>					



AMENDMENTS TO	PAGE	30	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<p>(CONT.)</p> <p>(CONT.)</p> <p>(CONT.)</p> <p>(CONT.)</p> <p>(CONT.)</p>					
03 RESOURCE PROTECTION AND DEVELOPMENT					
01 FISH AND GAME DEPARTMENT					
04 LAW ENFORCEMENT					
02 LAW ENFORCEMENT DISTRICTS 1-5					
01 LAW ENFORCEMENT DISTRICTS 1-5					
TOTAL			1044,076		1122,763
TOTAL			1124,076		1202,763
ESTIMATED SOURCE OF FUNDS FOR					
LAW ENFORCEMENT DISTRICTS 1-5					
GENERAL FUNDS			80,000		80,000
FISH AND GAME			885,912		964,437
OTHER FUNDS			158,164		158,326
TOTAL			1124,076		1202,763
TOTAL				1993,238	2078,113
ESTIMATED SOURCE OF FUNDS FOR					
LAW ENFORCEMENT					
GENERAL FUNDS			80,000		80,000
FISH AND GAME			1045,024		1130,457
OTHER FUNDS			868,214		867,659
TOTAL			1993,238		2078,113
03 RESOURCE PROTECTION AND DEVELOPMENT					
01 FISH AND GAME DEPARTMENT					
05 REGIONAL OFFICES					
07 DURHAM REGIONAL OFFICE					
01 ADMINISTRATION					
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION					
STRIKE MANAGEMENT & RESEARCH			66,287		74,810
INSERT IN PLACE THEREOF			66,287		74,810
FEDERAL FUNDS			98,323		115,891
TOTAL					
03 RESOURCE PROTECTION AND DEVELOPMENT					
01 FISH AND GAME DEPARTMENT					
05 REGIONAL OFFICES					
07 DURHAM REGIONAL OFFICE					
03 FISH AND WILDLIFE MANAGEMENT					
ESTIMATED SOURCE OF FUNDS FOR					
FISH AND WILDLIFE MANAGEMENT					

AMENDMENTS TO	PAGE	31	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300						
03 RESOURCE PROTECTION AND DEVELOPMENT				(CONT.)		
01 FISH AND GAME DEPARTMENT				(CONT.)		
05 REGIONAL OFFICES				(CONT.)		
07 DURHAM REGIONAL OFFICE				(CONT.)		
03 FISH AND WILDLIFE MANAGEMENT				(CONT.)		
STRIKE OUT					228,924	239,377
INLAND FISHERIES						
INSERT IN PLACE THEREOF					228,924	239,377
FEDERAL FUNDS					305,232	319,168
TOTAL						
TOTAL					840,340	887,951
03 RESOURCE PROTECTION AND DEVELOPMENT						
01 FISH AND GAME DEPARTMENT						
05 REGIONAL OFFICES					295,211	314,187
08 LANCASTER REGIONAL OFFICE					545,129	573,764
01 ADMINISTRATION					840,340	887,951
ESTIMATED SOURCE OF FUNDS FOR						
ADMINISTRATION						
STRIKE OUT					12,600	16,293
INLAND FISHERIES						
INSERT IN PLACE THEREOF					12,600	16,293
FEDERAL FUNDS					22,500	29,095
TOTAL						
03 RESOURCE PROTECTION AND DEVELOPMENT						
01 FISH AND GAME DEPARTMENT						
05 REGIONAL OFFICES						
08 LANCASTER REGIONAL OFFICE						
03 FISH AND WILDLIFE MANAGEMENT						
ESTIMATED SOURCE OF FUNDS FOR						
FISH AND WILDLIFE MANAGEMENT						
STRIKE OUT					90,799	95,525
MANAGEMENT & RESEARCH						



AMENDMENTS TO	PAGE	32	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300					
03 RESOURCE PROTECTION AND DEVELOPMENT 01 FISH AND GAME DEPARTMENT 05 REGIONAL OFFICES 08 LANCASTER REGIONAL OFFICE 03 FISH AND WILDLIFE MANAGEMENT (CONT.) (CONT.) (CONT.) (CONT.) (CONT.)					
INSERT IN PLACE THEREOF				90,799	95,525
FEDERAL FUNDS				517,774	541,725
TOTAL					
INSERT AFTER SOURCE OF FUNDS -- THE FISH AND GAME DEPARTMENT MAY, WITH PRIOR APPROVAL OF THE FISCAL COMMITTEE AND WITH THE APPROVAL OF THE GOVERNOR AND COUNCIL, TRANSFER FUNDS BETWEEN PAU 03-01-05-07, PAU 03-01-05-08, AND PAU'S 03-01-01 TO EFFECTIVELY AND EFFICI- ENTLY OPERATE THE DEPARTMENT.					
TOTAL				891,416	936,397
ESTIMATED SOURCE OF FUNDS FOR					
LANCASTER REGIONAL OFFICE					
FEDERAL FUNDS				103,399	111,818
FISH AND GAME				788,017	824,579
TOTAL				891,416	936,397
TOTAL				1731,756	1824,348
ESTIMATED SOURCE OF FUNDS FOR					
REGIONAL OFFICES					
FEDERAL FUNDS				398,610	426,005
FISH AND GAME				1333,146	1398,343
TOTAL				1731,756	1824,348
TOTAL				7199,692	7733,455
ESTIMATED SOURCE OF FUNDS FOR					
FISH AND GAME DEPARTMENT					
FEDERAL FUNDS				1052,545	1108,263
GENERAL FUNDS				80,000	80,000
FISH AND GAME				4901,294	5343,647
OTHER FUNDS				1165,853	1201,545
TOTAL				7199,692	7733,455
03 RESOURCE PROTECTION AND DEVELOPMENT 03 RESOURCES AND ECONOMIC DEVELOPMENT 01 ADMINISTRATION AND SUPPORT 02 DESIGN DEVELOPMENT & MAINTENANCE					
STRIKE OUT					
48 CONT. MAINT BLDGS & GROUNDS				405,000	200,000
H					

AMENDMENTS TO	PAGE	33	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
03 RESOURCE PROTECTION AND DEVELOPMENT 03 RESOURCES AND ECONOMIC DEVELOPMENT 01 ADMINISTRATION AND SUPPORT 02 DESIGN DEVELOPMENT & MAINTENANCE (CONT.) (CONT.) (CONT.) (CONT.)						
INSERT IN PLACE THEREOF				405,000	200,000	
48 CONT. MAINT BLDGS & GROUNDS						958,283
TOTAL					1208,209	
03 RESOURCE PROTECTION AND DEVELOPMENT 03 RESOURCES AND ECONOMIC DEVELOPMENT 01 ADMINISTRATION AND SUPPORT 05 NATURAL HERITAGE INVENTORY						
STRIKE OUT				20,000	22,000	
20 CURRENT EXPENSES						
INSERT IN PLACE THEREOF				12,500	14,500	
20 CURRENT EXPENSES						
INSERT				5,500	5,500	
IN-STATE TRAVEL						
INSERT				2,000	2,000	
80 OUT-OF-STATE TRAVEL						
TOTAL					66,932	69,229
TOTAL					2148,315	1950,466
ESTIMATED SOURCE OF FUNDS FOR						
ADMINISTRATION AND SUPPORT						
FEDERAL FUNDS					40,000	40,000
GENERAL FUNDS					1957,440	1734,791
OTHER FUNDS					150,875	155,675
TOTAL					2148,315	1950,466
03 RESOURCE PROTECTION AND DEVELOPMENT 03 RESOURCES AND ECONOMIC DEVELOPMENT 03 FORESTRY AND LAND RESOURCES 03 FOREST PLANNING 01 PLANNING & INFORMATION						
STRIKE OUT				104,141	109,582	
45 PERSONNEL SERVICES/NON-FICA						

AMENDMENTS TO	PAGE	34	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HBO300					
03 RESOURCE PROTECTION AND DEVELOPMENT					
03 RESOURCES AND ECONOMIC DEVELOPMENT					
03 FORESTRY AND LAND RESOURCES					
03 FOREST PLANNING					
01 PLANNING & INFORMATION					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
INSERT IN PLACE THEREOF					
45 PERSONAL SERVICES/NON-FICA					
138,441					
158,382					
216,078					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
PLANNING & INFORMATION					
STRIKE OUT					
GENERAL FUND					
149,878					
157,982					
184,178					
206,782					
193,398					
216,078					
243,082					
243,082					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
FOREST PLANNING					
GENERAL FUNDS					
209,962					
233,786					
19,220					
9,296					
243,082					
TOTAL					
1573,233					
1649,510					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
FORESTRY AND LAND RESOURCES					
FEDERAL FUNDS					
86,632					
1477,381					
9,220					
9,296					
1573,233					
TOTAL					
03 RESOURCE PROTECTION AND DEVELOPMENT					
03 RESOURCES AND ECONOMIC DEVELOPMENT					
04 PARKS AND RECREATION					
03 SERVICE PARKS					
50,000					
50,000					
INSERT					
90 SEA GRANT EXTENSION PROGRAM					
50,000					
INSERT					

AMENDMENTS TO HB0300	PAGE	35	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<p>(CONT.) (CONT.) (CONT.) (CONT.)</p>					
<p>03 RESOURCE PROTECTION AND DEVELOPMENT 03 RESOURCES AND ECONOMIC DEVELOPMENT 04 PARKS AND RECREATION 03 SERVICE PARKS</p>					
<p>THIS APPROPRIATION IS TO PROVIDE SALARY AND PROGRAM SUPPORT FOR THE CONTINUATION OF THE SEA GRANT EXTENSION PROGRAM AT ODOLONE POINT STATE PARK.</p>					
TOTAL				1825,385	1874,488
ESTIMATED SOURCE OF FUNDS FOR SERVICE PARKS					
STRIKE OUT					
GENERAL FUND				1775,385	1824,488
INSERT IN PLACE THEREOF					
GENERAL FUND				1825,385	1874,488
TOTAL				1825,385	1874,488
TOTAL				7544,765	7727,096
ESTIMATED SOURCE OF FUNDS FOR PARKS AND RECREATION					
GENERAL FUNDS				6903,365	7079,550
OTHER FUNDS				641,400	647,546
TOTAL				7544,765	7727,096
TOTAL				14,003,116	14,098,892
ESTIMATED SOURCE OF FUNDS FOR RESOURCES AND ECONOMIC DEVELOPMENT					
FEDERAL FUNDS				126,632	124,632
GENERAL FUNDS				13074,989	13159,243
OTHER FUNDS				801,495	812,517
TOTAL				14,003,116	14,098,892
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
02 DIV OF WATER RESOURCES					
01 WATER RESOURCES BUREAU					
01 WATER RESOURCES BOARD					
ESTIMATED SOURCE OF FUNDS FOR WATER RESOURCES BOARD					

AMENDMENT TO	PAGE	36	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300					
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
02 DIV OF WATER RESOURCES					
01 WATER RESOURCES BUREAU					
01 WATER RESOURCES BOARD					
STRIKE OUT					
02 TRANSFER FROM DOT				26,486	27,006
INSERT IN PLACE THEREOF					
02 TRANSFER FROM DOT				26,486	27,006
STRIKE OUT					
09 AGENCY INCOME				5,304	5,408
INSERT IN PLACE THEREOF					
09 AGENCY INCOME				5,304	5,408
TOTAL				693,164	716,310
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
02 DIV OF WATER RESOURCES					
01 WATER RESOURCES BUREAU					
02 LAKEPORT PROJECT					
ESTIMATED SOURCE OF FUNDS FOR					
LAKEPORT PROJECT					
STRIKE OUT					
05 PRIVATE OR LOCAL FUNDS				42,134	43,204
INSERT IN PLACE THEREOF					
05 PRIVATE OR LOCAL FUNDS				42,134	43,204
TOTAL				50,714	52,281
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
02 DIV OF WATER RESOURCES					
01 WATER RESOURCES BUREAU					
03 GREENVILLE PROJECT					
ESTIMATED SOURCE OF FUNDS FOR					
GREENVILLE PROJECT					
STRIKE OUT					
07 AGENCY INCOME				25,286	26,315
INSERT IN PLACE THEREOF					
07 AGENCY INCOME				25,286	26,315
TOTAL				25,286	26,315



AMENDMENTS TO	PAGE	37	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0500						
(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)						
03 RESOURCE PROTECTION AND DEVELOPMENT						
04 DEPT OF ENVIRONMENTAL SERVICES						
02 DIV OF WATER RESOURCES						
01 WATER RESOURCES BUREAU						
03 GREENVILLE PROJECT						
03 RESOURCE PROTECTION AND DEVELOPMENT						
04 DEPT OF ENVIRONMENTAL SERVICES						
02 DIV OF WATER RESOURCES						
01 WATER RESOURCES BUREAU						
04 PITTSBURG PROJECT						
ESTIMATED SOURCE OF FUNDS FOR						
PITTSBURG PROJECT						
STRIKE OUT						
06 AGENCY INCOME				23,392		24,343
INSERT IN PLACE THEREOF						
06 AGENCY INCOME				23,392		24,343
TOTAL				23,392		24,343
TOTAL				792,556		819,249
ESTIMATED SOURCE OF FUNDS FOR						
WATER RESOURCES BUREAU						
GENERAL FUNDS				669,954		692,973
OTHER FUNDS				122,602		126,276
TOTAL				792,556		819,249
03 RESOURCE PROTECTION AND DEVELOPMENT						
04 DEPT OF ENVIRONMENTAL SERVICES						
02 DIV OF WATER RESOURCES						
02 MAINTENANCE BUREAU						
ESTIMATED SOURCE OF FUNDS FOR						
MAINTENANCE BUREAU						
STRIKE OUT						
01 OTHER AGENCY FUNDS				567,128		585,939
INSERT IN PLACE THEREOF						
01 OTHER AGENCY FUNDS				567,128		585,939
TOTAL				567,128		607,939
03 RESOURCE PROTECTION AND DEVELOPMENT						
04 DEPT OF ENVIRONMENTAL SERVICES						
02 DIV OF WATER RESOURCES						
03 WETLAND BUREAU						
02 COASTAL PROGRAM						
ESTIMATED SOURCE OF FUNDS FOR						
COASTAL PROGRAM						

AMENDMENTS TO		PAGE	38	04/01/87	----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
H80300								
03 RESOURCE PROTECTION AND DEVELOPMENT 04 DEPT OF ENVIRONMENTAL SERVICES 02 DIV OF WATER RESOURCES 03 WETLAND BUREAU 02 COASTAL PROGRAM STRIKE OUT 01 OTHER AGENCY FUNDS INSERT IN PLACE THEREOF 01 OTHER AGENCY FUNDS TOTAL TOTAL ESTIMATED SOURCE OF FUNDS FOR WETLAND BUREAU GENERAL FUNDS OTHER FUNDS TOTAL								
				72,400		72,400		
				72,400		72,400		
				72,400		72,400		
				244,873		252,313		
				172,473		179,913		
				72,400		72,400		
				244,873		252,313		
03 RESOURCE PROTECTION AND DEVELOPMENT 04 DEPT OF ENVIRONMENTAL SERVICES 02 DIV OF WATER RESOURCES 04 WATER MANAGEMENT BUREAU ESTIMATED SOURCE OF FUNDS FOR WATER MANAGEMENT BUREAU STRIKE OUT 01 OTHER AGENCY FUNDS INSERT IN PLACE THEREOF 01 OTHER AGENCY FUNDS TOTAL TOTAL ESTIMATED SOURCE OF FUNDS FOR DIV OF WATER RESOURCES GENERAL FUNDS OTHER FUNDS TOTAL								
				49,300		49,300		
				49,300		49,300		
				170,687		174,094		
				1775,244		1853,595		
				963,814		1019,680		
				811,430		833,915		
				1775,244		1853,595		
03 RESOURCE PROTECTION AND DEVELOPMENT 04 DEPT OF ENVIRONMENTAL SERVICES 03 DIV OF WATER POLLUTION CONTROL 01 WATER POLLUTION PROGRAM 01 POLLUTION CONTROL PROGRAM ESTIMATED SOURCE OF FUNDS FOR POLLUTION CONTROL PROGRAM								

AMENDMENTS TO	PAGE	39	04/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
H80300						
03 RESOURCE PROTECTION AND DEVELOPMENT				(CONT.)		
04 DEPT OF ENVIRONMENTAL SERVICES				(CONT.)		
03 DIV OF WATER POLLUTION CONTROL				(CONT.)		
01 WATER POLLUTION PROGRAM				(CONT.)		
01 POLLUTION CONTROL PROGRAM						
STRIKE OUT					12435-089	12538-637
01 LOCAL ENVIRONMENTAL GRANTS						
STRIKE OUT					1592-154	1640-108
GENERAL FUND						
INSERT IN PLACE THEREOF					14027-243	14178-745
GENERAL FUND					14394-515	14545-326
TOTAL						
TOTAL					14394-515	14545-326
ESTIMATED SOURCE OF FUNDS FOR						
WATER POLLUTION PROGRAM						
FEDERAL FUNDS					367-272	366-581
GENERAL FUNDS					14027-243	14178-745
TOTAL					14394-515	14545-326
03 RESOURCE PROTECTION AND DEVELOPMENT						
04 DEPT OF ENVIRONMENTAL SERVICES						
03 DIV OF WATER POLLUTION CONTROL						
02 HAZARDOUS WASTE CONTROL						
02 NASHUA HAZARDOUS WASTE SITE						
ESTIMATED SOURCE OF FUNDS FOR						
NASHUA HAZARDOUS WASTE SITE						
STRIKE OUT					176-370	176-372
01 STATE HAZARDOUS WASTE FUND						
INSERT IN PLACE THEREOF					176-370	176-372
01 STATE HAZARDOUS WASTE FUND					1763-701	1763-723
TOTAL						
TOTAL					14992-718	4160-259
ESTIMATED SOURCE OF FUNDS FOR						
HAZARDOUS WASTE CONTROL						
FEDERAL FUNDS					14350-152	3500-316
OTHER FUNDS					642-566	659-983
TOTAL					14992-718	4160-259
03 RESOURCE PROTECTION AND DEVELOPMENT						
04 DEPT OF ENVIRONMENTAL SERVICES						
03 DIV OF WATER POLLUTION CONTROL						
04 WATER SUPPLY PROGRAMS						
02 OPERATOR CERTIFICATION						
ESTIMATED SOURCE OF FUNDS FOR						
OPERATOR CERTIFICATION						

AMENDMENTS TO	PAGE	40	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300					
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
03 DIV OF WATER POLLUTION CONTROL					
04 WATER SUPPLY PROGRAMS					
02 OPERATOR CERTIFICATION					
STRIKE OUT					
09 AGENCY INCOME			4,571		4,677
INSERT IN PLACE THEREOF			4,571		4,677
09 AGENCY INCOME			4,571		4,677
TOTAL					
			273,388		289,620
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
WATER SUPPLY PROGRAMS					
FEDERAL FUNDS			268,817		284,943
OTHER FUNDS			4,571		4,677
TOTAL			273,388		289,620
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
03 DIV OF WATER POLLUTION CONTROL					
05 WINNIPESAUKEE RIVER BASIN					
ESTIMATED SOURCE OF FUNDS FOR					
WINNIPESAUKEE RIVER BASIN					
STRIKE OUT			1447,321		1528,377
05 MUNICIPAL ASSESSMENTS					
INSERT IN PLACE THEREOF			1447,321		1528,377
05 MUNICIPAL ASSESSMENTS					
STRIKE OUT			25,000		25,000
07 SEPTIC DISCHARGE FEES					
INSERT IN PLACE THEREOF			25,000		25,000
07 SEPTIC DISCHARGE FEES					
TOTAL			1473,321		1554,377
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 DEPT OF ENVIRONMENTAL SERVICES					
03 DIV OF WATER POLLUTION CONTROL					
06 OIL POLLUTION CONTROL					
01 OIL POLLUTION CONTROL FUND					
ESTIMATED SOURCE OF FUNDS FOR					
OIL POLLUTION CONTROL FUND					

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	FISCAL YEAR 1988	FISCAL YEAR 1989
1. Total	100.0	100.0
2. Federal Government	10.0	10.0
3. State Government	20.0	20.0
4. Local Government	70.0	70.0
5. Private	0.0	0.0
6. Other	0.0	0.0
7. Total	100.0	100.0
8. Federal Government	10.0	10.0
9. State Government	20.0	20.0
10. Local Government	70.0	70.0
11. Private	0.0	0.0
12. Other	0.0	0.0

03 RESOURCE PROTECTION AND DEVELOPMENT  
04 DEPT OF ENVIRONMENTAL SERVICES  
03 DIV OF WATER POLLUTION CONTROL  
06 OIL POLLUTION CONTROL  
01 OIL POLLUTION CONTROL FUND

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

STRIKE OUT	
09 OIL POLLUTION CONTROL	
INSERT IN PLACE THEREOF	
09 OIL POLLUTION CONTROL	
TOTAL	

231,836  
231,836  
231,836  
461,047

231,836  
231,836  
231,836  
461,047

TOTAL	
ESTIMATED SOURCE OF FUNDS FOR	
OIL POLLUTION CONTROL	
FEDERAL FUNDS	
GENERAL FUNDS	
OTHER FUNDS	
TOTAL	

143,060  
86,151  
231,836  
461,047

143,060  
86,151  
231,836  
461,047

03 RESOURCE PROTECTION AND DEVELOPMENT  
04 DEPT OF ENVIRONMENTAL SERVICES  
03 DIV OF WATER POLLUTION CONTROL  
09 LABORATORY OPERATIONS  
01 LABORATORY COST CENTER

ESTIMATED SOURCE OF FUNDS FOR  
LABORATORY COST CENTER

LIKE OUT	
01 OTHER AGENCY FUNDS	
ERT IN PLACE THEREOF	
01 OTHER AGENCY FUNDS	
TOTAL	

82,000  
82,000  
1266,742  
1266,742

[illegible]

289,958  
894,784  
82,000  
1266,742

289,958  
894,784  
82,000  
1266,742

25274, 273

35800,927



AMENDMENTS TO HBD300	PAGE	42	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)					
(CONT.)					
(CONT.)					
ESTIMATED SOURCE OF FUNDS FOR					
DIV OF WATER POLLUTION CONTROL					
FEDERAL FUNDS					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
			17114,302	6345,419	
			16254,983	16397,021	
			2431,642	2551,833	
			55800,927	25274,273	
ESTIMATED SOURCE OF FUNDS FOR					
DIV OF AIR RESOURCES					
FEDERAL FUNDS					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
			124,708	129,007	
			124,708	129,007	
			124,708	129,007	
ESTIMATED SOURCE OF FUNDS FOR					
DIV OF AIR RESOURCES					
FEDERAL FUNDS					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
			1011,892	1056,321	
ESTIMATED SOURCE OF FUNDS FOR					
DIV OF AIR RESOURCES					
FEDERAL FUNDS					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
			557,118	584,502	
			330,066	342,812	
			124,708	129,007	
			1011,892	1056,321	
ESTIMATED SOURCE OF FUNDS FOR					
NON-RECREATION PROGRAMS					

AMENDMENTS 10	PAGE	43	04/01/87			FISCAL YEAR 1988	FISCAL YEAR 1989
HB0300							
03 RESOURCE PROTECTION AND DEVELOPMENT							
04 DEPT OF ENVIRONMENTAL SERVICES							
05 DIV OF WASTE MANAGEMENT							
02 NON-RECREA PROGRAMS							
STRIKE OUT							
03 CLEARING ACCOUNT	I			45,006		44,164	
INSERT IN PLACE THEREOF							
03 CLEARING ACCOUNT				45,006		44,164	
STRIKE OUT							
09 AGENCY INCOME	I			5,000		5,000	
INSERT IN PLACE THEREOF							
09 AGENCY INCOME				5,000		5,000	
TOTAL				1340,267		1387,058	
03 RESOURCE PROTECTION AND DEVELOPMENT							
04 DEPT OF ENVIRONMENTAL SERVICES							
05 DIV OF WASTE MANAGEMENT							
03 HAZARDOUS WASTE FUND							
ESTIMATED SOURCE OF FUNDS FOR							
HAZARDOUS WASTE FUND							
STRIKE OUT							
03 CLEARING ACCOUNT	I			592,167		618,311	
INSERT IN PLACE THEREOF							
03 CLEARING ACCOUNT				592,167		618,311	
TOTAL				780,603		788,512	
TOTAL				2472,459		2553,623	
ESTIMATED SOURCE OF FUNDS FOR							
DIV OF WASTE MANAGEMENT							
FEDERAL FUNDS				223,491		223,491	
GENERAL FUNDS				1609,175		1602,657	
OTHER FUNDS				642,173		667,443	
TOTAL				2472,459		2553,623	
TOTAL				41596,100		31249,507	
ESTIMATED SOURCE OF FUNDS FOR							
DEPT OF ENVIRONMENTAL SERVICES							
FEDERAL FUNDS				17896,911		7153,412	
GENERAL FUNDS				19691,236		19933,865	

AMENDMENTS TO		PAGE		44		04/01/87				----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
HB0300													
03 RESOURCE PROTECTION AND DEVELOPMENT													
04 DEPT OF ENVIRONMENTAL SERVICES													
(CONT.)													
(CONT.)													
OTHER FUNDS													
TOTAL													
ESTIMATED SOURCE OF FUNDS FOR													
RESOURCE PROTECTION AND DEVELOPMENT													
FEDERAL FUNDS													
GENERAL FUNDS													
FISH AND GAME													
OTHER FUNDS													
TOTAL													
04 TRANSPORTATION													
01 DEPARTMENT OF TRANSPORTATION													
01 ADMINISTRATION DIVISION													
01 EXECUTIVE OFFICE													
STRIKE OUT													
10 PERSONAL SERVICES - PERMANENT													
INSERT IN PLACE THEREOF													
10 PERSONAL SERVICES - PERMANENT													
INSERT													
15 SALARY OF DIR. PROJECT DEVELOP													
STRIKE OUT													
60 BENEFITS													
INSERT IN PLACE THEREOF													
60 BENEFITS													
TOTAL													
ESTIMATED SOURCE OF FUNDS FOR													
EXECUTIVE OFFICE													
STRIKE OUT													
HIGHWAY FUND													
INSERT IN PLACE THEREOF													
HIGHWAY FUND													
TOTAL													
4162,230													
31249,507													
53244,604													
8388,307													
33173,608													
5343,647													
6339,042													
53244,604													
4009,953													
41596,100													
62956,126													
19074,088													
32846,225													
4901,294													
6134,519													
62956,126													
665,961													
618,994													
50,120													
195,101													
195,763													
2278,441													
2278,441													
2274,626													
2278,441													
2278,441													
744,774													
696,047													
52,478													
227,360													
228,185													
2526,297													
2521,721													
2526,297													
2526,297													

AMENDMENTS TO	PAGE	45	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300						
<p>(CONT.)</p> <p>04 TRANSPORTATION</p> <p>01 DEPARTMENT OF TRANSPORTATION</p> <p>01 ADMINISTRATION DIVISION</p> <p>01 EXECUTIVE OFFICE</p>						
<p>(CONT.)</p> <p>04 TRANSPORTATION</p> <p>01 DEPARTMENT OF TRANSPORTATION</p> <p>01 ADMINISTRATION DIVISION</p> <p>03 ADMINISTRATION &amp; CONTRACTS BUREAU</p>						
<p>ESTIMATED SOURCE OF FUNDS FOR</p> <p>ADMINISTRATION &amp; CONTRACTS BUREAU</p>						
<p>STRIKE OUT</p> <p>09 AGENCY INCOME</p> <p>INSERT IN PLACE THEREOF</p> <p>09 AGENCY INCOME</p> <p>TOTAL</p>						
<p>50,000</p> <p>50,000</p> <p>823,179</p>						
<p>50,000</p> <p>50,000</p> <p>746,589</p>						
<p>(CONT.)</p> <p>04 TRANSPORTATION</p> <p>01 DEPARTMENT OF TRANSPORTATION</p> <p>01 ADMINISTRATION DIVISION</p> <p>04 HUMAN RESOURCES BUREAU</p>						
<p>ESTIMATED SOURCE OF FUNDS FOR</p> <p>STRIKE OUT</p> <p>10 PERSONAL SERVICES - PERMANENT</p> <p>INSERT IN PLACE THEREOF</p> <p>10 PERSONAL SERVICES - PERMANENT</p> <p>STRIKE OUT</p> <p>60 BENEFITS</p> <p>INSERT IN PLACE THEREOF</p> <p>60 BENEFITS</p> <p>TOTAL</p> <p>ESTIMATED SOURCE OF FUNDS FOR</p> <p>HUMAN RESOURCES BUREAU</p> <p>STRIKE OUT</p> <p>HIGHWAY FUND</p> <p>INSERT IN PLACE THEREOF</p> <p>HIGHWAY FUND</p>						
<p>237,781</p> <p>261,846</p> <p>50,354</p> <p>55,407</p> <p>250,602</p> <p>276,173</p> <p>55,683</p> <p>61,309</p> <p>348,488</p> <p>319,370</p> <p>348,488</p> <p>368,502</p> <p>337,305</p> <p>368,502</p>						

AMENDMENTS TO	PAGE	46	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 01 ADMINISTRATION DIVISION 04 HUMAN RESOURCES BUREAU (TOTAL)					
				348,488	368,502
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 01 ADMINISTRATION DIVISION 05 DATA MANAGEMENT BUREAU					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT				1213,892	1311,428
INSERT IN PLACE THEREOF				1203,427	1300,973
STRIKE OUT					
60 BENEFITS				258,120	291,980
INSERT IN PLACE THEREOF				255,922	289,679
60 BENEFITS					
TOTAL				2301,519	2412,422
ESTIMATED SOURCE OF FUNDS FOR					
DATA MANAGEMENT BUREAU					
STRIKE OUT					
HIGHWAY FUND					
INSERT IN PLACE THEREOF				2316,182	2425,178
HIGHWAY FUND				2301,519	2412,422
TOTAL				2301,519	2412,422
TOTAL				8162,050	8802,100
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION DIVISION					
HIGHWAY FUNDS					
OTHER FUNDS					
TOTAL				8112,050	8752,100
				50,000	50,000
				8162,050	8802,100
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
02 OPERATIONS DIVISION					
01 ROAD MAINTENANCE BUREAU					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT				13544,595	14219,751



AMENDMENTS TO	PAGE	47	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300						
04. TRANSPORTATION				(CONT.)		
01. DEPARTMENT OF TRANSPORTATION				(CONT.)		
02. OPERATIONS DIVISION				(CONT.)		
01. ROAD MAINTENANCE BUREAU				(CONT.)		
INSERT IN PLACE THEREOF						
10. PERSONAL SERVICES - PERMANENT				13486,225	14161,135	
STRIKE OUT						
60. BENEFITS				3468,877	3797,548	
INSERT IN PLACE THEREOF						
60. BENEFITS				3456,200	3784,653	
TOTAL						43013,311
ESTIMATED SOURCE OF FUNDS FOR				41722,449		
ROAD MAINTENANCE BUREAU						
STRIKE OUT						
HIGHWAY FUND				41795,496	43084,822	
INSERT IN PLACE THEREOF						
HIGHWAY FUND				41722,449	43013,311	
TOTAL				41722,449	43013,311	
04. TRANSPORTATION						
01. DEPARTMENT OF TRANSPORTATION						
02. OPERATIONS DIVISION						
02. BRIDGE MAINTENANCE BUREAU						
01. BRIDGE MAINTENANCE						
STRIKE OUT						
60. PERSONAL SERVICES - PERMANENT				1758,658	1842,223	
INSERT IN PLACE THEREOF						
60. PERSONAL SERVICES - PERMANENT				1713,840	1795,409	
STRIKE OUT						
60. BENEFITS				388,880	426,236	
INSERT IN PLACE THEREOF						
60. BENEFITS				379,468	415,937	
TOTAL						3538,046
ESTIMATED SOURCE OF FUNDS FOR				3391,008		
BRIDGE MAINTENANCE						
STRIKE OUT						
09. AGENCY INCOME				50,000	50,000	
INSERT IN PLACE THEREOF						
09. AGENCY INCOME				50,000	50,000	

AMENDMENTS TO HBD300	PAGE	48	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 02 OPERATIONS DIVISION 02 BRIDGE MAINTENANCE BUREAU 01 BRIDGE MAINTENANCE					
			(CONT.)		
			(CONT.)		
			(CONT.)		
			(CONT.)		
STRIKE OUT					
HIGHWAY FUND				3395,238	3545,159
INSERT IN PLACE THEREOF				3341,008	3488,046
HIGHWAY FUND				3391,008	3538,046
TOTAL					
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 02 OPERATIONS DIVISION 02 BRIDGE MAINTENANCE BUREAU 02 TURNPIKE BRIDGE MAINTENANCE					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT				84,396	88,011
INSERT IN PLACE THEREOF				117,732	123,343
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT					
60 BENEFITS				19,761	21,542
INSERT IN PLACE THEREOF				26,762	29,315
60 BENEFITS					
TOTAL				252,194	262,758
ESTIMATED SOURCE OF FUNDS FOR TURNPIKE BRIDGE MAINTENANCE					
STRIKE OUT					
06 TPKE BRG MNTNCE CREW-CENTRAL				70,619	73,217
INSERT IN PLACE THEREOF				84,065	87,586
06 TPKE BRG MNTNCE CREW-CENTRAL					
STRIKE OUT					
07 TPKE BRG MNTNCE CREW-EAST				70,619	73,218
INSERT IN PLACE THEREOF				84,065	87,586
STRIKE OUT					
08 TPKE BRG MNTNCE-SPAULDING				70,619	73,218
INSERT IN PLACE THEREOF				84,064	87,586
08 TPKE BRG MNTNCE-SPAULDING				232,194	262,758
TOTAL					

AMENDMENTS TO	PAGE	49	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
02 OPERATIONS DIVISION					
02 BRIDGE MAINTENANCE BUREAU					
02 TURNPIKE BRIDGE MAINTENANCE					
03 PISCATAQUA BRIDGE MAINTENANCE					
ESTIMATED SOURCE OF FUNDS FOR					
PISCATAQUA BRIDGE MAINTENANCE					
STRIKE OUT					
05 PISCATAQUA BRIDGE MNTG					
I					
INSERT IN PLACE THEREOF					
05 PISCATAQUA BRIDGE MNTG					
TOTAL					
83,833					
89,914					
89,914					
179,827					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
02 OPERATIONS DIVISION					
02 BRIDGE MAINTENANCE BUREAU					
04 INTERSTATE BRIDGE AUTHORITY					
ESTIMATED SOURCE OF FUNDS FOR					
INTERSTATE BRIDGE AUTHORITY					
STRIKE OUT					
I					
05 PRIVATE LOCAL FUNDS					
INSERT IN PLACE THEREOF					
05 PRIVATE LOCAL FUNDS					
TOTAL					
344,727					
349,009					
349,009					
588,856					
4569,487					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
BRIDGE MAINTENANCE BUREAU					
HIGHWAY FUNDS					
OTHER FUNDS					
TOTAL					
3649,134					
3817,806					
751,681					
4569,487					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
02 OPERATIONS DIVISION					
03 TRAFFIC OPERATION BUREAU					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT					
1172,095					
1260,925					

AMENDMENTS TO	PAGE	50	04/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
O4 TRANSPORTATION O1 DEPARTMENT OF TRANSPORTATION O2 OPERATIONS DIVISION O3 TRAFFIC OPERATION BUREAU			(CONT.) (CONT.) (CONT.) (CONT.)			
INSERT IN PLACE THEREOF			1173,357		1263,276	
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT			272,290		304,823	
60 BENEFITS						
INSERT IN PLACE THEREOF			272,555		305,340	
60 BENEFITS						
TOTAL			3213,526		3364,450	
ESTIMATED SOURCE OF FUNDS FOR						
TRAFFIC OPERATION BUREAU						
STRIKE OUT	I		200,000		200,000	
O9 AGENCY INCOME						
INSERT IN PLACE THEREOF			200,000		200,000	
O9 AGENCY INCOME						
STRIKE OUT			3011,999		3161,582	
HIGHWAY FUND						
INSERT IN PLACE THEREOF			3013,526		3164,450	
HIGHWAY FUND			3213,526		3364,450	
TOTAL						
O4 TRANSPORTATION O1 DEPARTMENT OF TRANSPORTATION O2 OPERATIONS DIVISION O4 MECHANICAL OPERATION BUREAU						
ESTIMATED SOURCE OF FUNDS FOR						
MECHANICAL OPERATION BUREAU						
STRIKE OUT	I		4443,120		4443,120	
O9 RENTAL INCOME						
INSERT IN PLACE THEREOF			4443,120		4443,120	
O9 RENTAL INCOME			8863,646		9252,298	
TOTAL						
O4 TRANSPORTATION O1 DEPARTMENT OF TRANSPORTATION O2 OPERATIONS DIVISION O5 OTHER OPERATIONS O4 FUEL DISTRIBUTION						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT			76,804		80,359	

AMENDMENTS TO	PAGE	51	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)						
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
02 OPERATIONS DIVISION						
05 OTHER OPERATIONS						
04 FUEL DISTRIBUTION						
(CONT.)						
INSERT 14 PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT						
60 BENEFITS						
INSERT 14 PLACE THEREOF						
60 BENEFITS						
TOTAL				135,583		146,767
ESTIMATED SOURCE OF FUNDS FOR						
FUEL DISTRIBUTION						
STRIKE OUT						
01 FUEL INVENTORY				119,168		125,227
INSERT 14 PLACE THEREOF						
01 FUEL INVENTORY				135,583		146,767
TOTAL				135,583		146,767
TOTAL				1441,788		1466,735
ESTIMATED SOURCE OF FUNDS FOR						
OTHER OPERATIONS						
HIGHWAY FUNDS				1306,205		1319,968
OTHER FUNDS				135,583		146,767
TOTAL				1441,788		1466,735
TOTAL				59621,297		61666,281
ESTIMATED SOURCE OF FUNDS FOR						
OPERATIONS DIVISION						
HIGHWAY FUNDS						
OTHER FUNDS						
TOTAL				54111,840		56124,713
TOTAL				5509,457		5541,568
TOTAL				59621,297		61666,281
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
01 DESIGN BUREAU						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT						
				3568,102		3722,688



AMENDMENTS TO H80300	PAGE	52	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
03 PROJECT DEVELOPMENT DIVISION					
01 DESIGN BUREAU					
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT					
60 BENEFITS					
INSERT IN PLACE THEREOF					
60 BENEFITS					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
DESIGN BUREAU					
STRIKE OUT					
HIGHWAY FUND					
INSERT IN PLACE THEREOF					
HIGHWAY FUND					
TOTAL					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
03 PROJECT DEVELOPMENT DIVISION					
04 ENVIRONMENTAL BUREAU					
STRIKE OUT					
90 LILAC PROGRAM					
INSERT IN PLACE THEREOF					
90 LILAC PROGRAM					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
ENVIRONMENTAL BUREAU					
STRIKE OUT					
HIGHWAY FUND					
INSERT IN PLACE THEREOF					
HIGHWAY FUND					
TOTAL					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
03 PROJECT DEVELOPMENT DIVISION					
05 BRIDGE DESIGN BUREAU					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT					



AMENDMENTS TO	PAGE	54 04/31/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<b>H80300</b>				
(CONT.)				
(CONT.)				
(CONT.)				
04 TRANSPORTATION				
01 DEPARTMENT OF TRANSPORTATION				
03 PROJECT DEVELOPMENT DIVISION				
09 MATCHING FUNDS				
TOTAL			103687,813	105209,318
ESTIMATED SOURCE OF FUNDS FOR				
PROJECT DEVELOPMENT DIVISION				
FEDERAL FUNDS			57158,801	57159,734
HIGHWAY FUNDS			43816,456	45335,028
OTHER FUNDS			2714,556	2714,556
TOTAL			103687,813	105209,318
04 TRANSPORTATION				
01 DEPARTMENT OF TRANSPORTATION				
04 PUBLIC WORKS & TRANSPORTATION DIV				
01 PUBLIC WORKS BUREAU				
01 PUBLIC WORKS				
ESTIMATED SOURCE OF FUNDS FOR				
PUBLIC WORKS				
STRIKE OUT				
09 PLANS MAPS GEN PUB WORKS		20,000		20,000
INSERT IN PLACE THEREOF		20,000		20,000
09 PLANS MAPS GEN PUB WORKS		1600,573		1649,043
TOTAL				
TOTAL		1600,573		1649,043
ESTIMATED SOURCE OF FUNDS FOR				
PUBLIC WORKS BUREAU				
GENERAL FUNDS		1480,573		1529,043
OTHER FUNDS		120,000		120,000
TOTAL		1600,573		1649,043
04 TRANSPORTATION				
01 DEPARTMENT OF TRANSPORTATION				
04 PUBLIC WORKS & TRANSPORTATION DIV				
02 PUBLIC TRANSIT BUREAU				
02 ELDERLY MOBILITY				
ESTIMATED SOURCE OF FUNDS FOR				
ELDERLY MOBILITY				

AMENDMENTS TO	PAGE	55	04/01/87		----- FISCAL YEAR 1988 -----	FISCAL YEAR 1989 -----
480300						
<p>04 TRANSPORTATION (CONT.)</p> <p>01 DEPARTMENT OF TRANSPORTATION (CONT.)</p> <p>04 PUBLIC WORKS &amp; TRANSPORTATION DIV (CONT.)</p> <p>02 PUBLIC TRANSIT BUREAU (CONT.)</p> <p>02 ELDERLY MOBILITY (CONT.)</p>						
<p>STRIKE OUT</p> <p>05 INCREASED MOBILITY 38,168</p> <p>INSERT IN PLACE THEREOF</p> <p>05 INCREASED MOBILITY 38,168</p> <p>TOTAL 214,452</p>						
<p>TOTAL 839,792</p>						
<p>TOTAL ESTIMATED SOURCE OF FUNDS FOR</p> <p>PUBLIC TRANSIT BUREAU</p> <p>FEDERAL FUNDS 779,622</p> <p>GENERAL FUNDS 22,002</p> <p>OTHER FUNDS 38,168</p> <p>TOTAL 839,792</p>						
<p>TOTAL 3378,590</p>						
<p>TOTAL ESTIMATED SOURCE OF FUNDS FOR</p> <p>PUBLIC WORKS &amp; TRANSPORTATION DIV</p> <p>FEDERAL FUNDS 822,905</p> <p>GENERAL FUNDS 2397,517</p> <p>OTHER FUNDS 158,168</p> <p>TOTAL 3378,590</p>						
<p>04 TRANSPORTATION</p> <p>01 DEPARTMENT OF TRANSPORTATION</p> <p>07 OTHER HIGHWAY SUPPORT</p> <p>04 TRANSFERS TO OTHER AGENCIES</p>						
<p>STRIKE OUT</p> <p>99 TRANSFER TO ALCOHOL &amp; DRUG ABU 360,373</p> <p>INSERT IN PLACE THEREOF</p> <p>99 TRANSFER TO ALCOHOL &amp; DRUG ABU 360,373</p>						
<p>TOTAL 29945,730</p>						
<p>TOTAL ESTIMATED SOURCE OF FUNDS FOR</p> <p>TRANSFERS TO OTHER AGENCIES</p> <p>STRIKE OUT</p> <p>HIGHWAY FUND 29945,730</p>						
<p>30260,611</p>						
<p>3375,773</p>						
<p>819,717</p>						
<p>2397,888</p>						
<p>158,168</p>						
<p>3375,773</p>						
<p>29894,958</p>						

AMENDMENTS TO	PAGE	56	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<div> <div> O4 TRANSPORTATION  O1 DEPARTMENT OF TRANSPORTATION  O7 OTHER HIGHWAY SUPPORT  O4 TRANSFERS TO OTHER AGENCIES </div> <div>(CONT.) (CONT.) (CONT.) (CONT.)</div> </div>						
<div> <div> INSERT IN PLACE THEREOF  HIGHWAY FUND  TOTAL </div> <div> 29945,730  29945,730 </div> <div> 32113,931 </div> <div> 29894,958  29894,958 </div> <div> 32106,156 </div> </div>						
<div> <div> TOTAL  ESTIMATED SOURCE OF FUNDS FOR  OTHER HIGHWAY SUPPORT  HIGHWAY FUNDS  TOTAL </div> <div> 32113,931  32113,931  32113,931  217973,597 </div> <div> 32106,156  32106,156  32106,156  221483,443 </div> </div>						
<div> <div> TOTAL  ESTIMATED SOURCE OF FUNDS FOR  DEPARTMENT OF TRANSPORTATION  FEDERAL FUNDS  GENERAL FUNDS  HIGHWAY FUNDS  OTHER FUNDS  TOTAL </div> <div> 61781,766  3090,003  144669,647  8432,181  217973,597 </div> <div> 61779,511  3156,343  148085,297  8468,292  221483,443 </div> </div>						
<div> <div> O4 TRANSPORTATION  O2 CENTRAL N.H. TURNPIKE  O1 OPERATIONS &amp; MAINTENANCE  O2 CENTRAL MAINTENANCE </div> <div> 70,619  84,065 </div> <div> 73,217  87,586 </div> </div>						
<div> <div> STRIKE OUT  O1 TRANSFER TO DOT BRIDGE MAINTEN  INSERT IN PLACE THEREOF  O1 TRANSFER TO DOT BRIDGE MAINTEN </div> <div> 2691,008  2691,008 </div> <div> 2938,841  2938,841 </div> </div>						
<div> <div> TOTAL  ESTIMATED SOURCE OF FUNDS FOR  CENTRAL MAINTENANCE  STRIKE OUT TURNPIKE FUNDS  O1 TURNPIKE FUNDS  INSERT IN PLACE THEREOF  O9 TURNPIKE FUNDS </div> <div> 2677,562  2691,008 </div> <div> 2924,472  2938,841 </div> </div>						



AMENDMENTS TO	PAGE	57	04/01/87			FISCAL YEAR 1988	FISCAL YEAR 1989
H80300							
04 TRANSPORTATION							
02 CENTRAL N.H. TURNPIKE				(CONT.)			
01 OPERATIONS & MAINTENANCE				(CONT.)			
02 CENTRAL MAINTENANCE				(CONT.)			
TOTAL					2691,008	2938,841	15863,814
TOTAL						10293,769	15863,814
ESTIMATED SOURCE OF FUNDS FOR							
OPERATIONS & MAINTENANCE							
OTHER FUNDS							
TOTAL						10293,769	15863,814
TOTAL						10293,769	15863,814
ESTIMATED SOURCE OF FUNDS FOR							
CENTRAL N.H. TURNPIKE							
OTHER FUNDS							
TOTAL						10293,769	15863,814
04 TRANSPORTATION							
03 EASTERN N.H. TURNPIKE							
01 OPERATIONS & MAINTENANCE							
01 BLUE STAR MEMORIAL HIGHWAY							
02 EAST NH TPK BLUE STAR MAINTENANCE							
STRIKE OUT							
91 TSF TO DOT BRIDGE MAINTENANCE				70,619		73,218	
INSERT PLACE THEREOF							
91 TSF TO DOT BRIDGE MAINTENANCE				84,065		87,586	
TOTAL					2043,119		1881,043
ESTIMATED SOURCE OF FUNDS FOR							
EAST NH TPK BLUE STAR MAINTENANCE							
STRIKE OUT							
09 TURNPIKE FUNDS					2029,673		1866,675
INSERT IN PLACE THEREOF					2043,119		1881,043
09 TURNPIKE FUNDS					2043,119		1881,043
TOTAL							
TOTAL					7062,029		6869,415
ESTIMATED SOURCE OF FUNDS FOR							
BLUE STAR MEMORIAL HIGHWAY							



AMENDMENTS TO	PAGE	59	04/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
NBO 300						
 (CONT.)						
 (CONT.)						
 (CONT.)						
04 TRANSPORTATION						
03 EASTERN N.H. TURNPIKE						
 OTHER FUNDS						
TOTAL					12484,836	12460,712
					12484,836	12460,712
 04 TRANSPORTATION						
05 PORT AUTHORITY						
01 ADMINISTRATION						
 STRIKE OUT						
48 CONT. MAINT BLDGS & GROUNDS				H		
INSERT IN PLACE THEREOF					19,500	
48 CONT. MAINT BLDGS & GROUNDS					19,500	
TOTAL					148,635	129,608
 04 TRANSPORTATION						
05 PORT AUTHORITY						
03 FOREIGN TRADE ZONE						
 ESTIMATED SOURCE OF FUNDS FOR						
FOREIGN TRADE ZONE						
STRIKE OUT						
06 FOREIGN TRADE ZONE FEES				I	5,200	5,200
INSERT IN PLACE THEREOF					5,200	5,200
06 FOREIGN TRADE ZONE FEES					5,200	5,200
TOTAL					306,200	287,173
 TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
PORT AUTHORITY						
GENERAL FUNDS					178,635	159,608
OTHER FUNDS					127,565	127,565
TOTAL					306,200	287,173
TOTAL					241600,713	250663,948

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(CONT.)

## 04 TRANSPORTATION

## ESTIMATED SOURCE OF FUNDS FOR

TRANSPORTATION  
FEDERAL FUNDS  
GENERAL FUNDS  
HIGHWAY FUNDS  
OTHER FUNDS

## TOTAL

61741,766  
3268,638  
144609,647  
31880,662  
241600,713  
61779,511  
3313,951  
148085,297  
37485,189  
250663,94805 HEALTH AND SOCIAL SERVICES  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
01 HEALTH AND HUMAN SVCS COMMISSIONER  
03 ALCOHOL AND DRUG ABUSE PREVENTION  
02 TREATMENT & PREVENTION - STATESTRIKE OUT  
02 PERSONAL SERVICES - PERMANENT  
INSERT IN PLACE THEREOF

240,988

253,040

STRIKE OUT  
02 PERSONAL SERVICES - PERMANENT  
INSERT IN PLACE THEREOF

343,463

355,515

STRIKE OUT  
20 CURRENT EXPENSES  
INSERT IN PLACE THEREOF

18,037

17,537

STRIKE OUT  
20 CURRENT EXPENSES  
INSERT IN PLACE THEREOF

20,537

20,037

STRIKE OUT  
60 BENEFITS  
INSERT IN PLACE THEREOF

50,607

55,668

STRIKE OUT  
60 BENEFITS  
INSERT IN PLACE THEREOF

72,127

78,213

STRIKE OUT  
70 IN-STATE TRAVEL  
INSERT IN PLACE THEREOF

12,500

12,500

STRIKE OUT  
70 IN-STATE TRAVEL  
INSERT IN PLACE THEREOF

29,981

29,981

STRIKE OUT  
97 COMMUNITY PROGRAMS  
INSERT IN PLACE THEREOF

681,623

690,017

STRIKE OUT  
97 COMMUNITY PROGRAMS  
INSERT IN PLACE THEREOF

2037,647

2045,016

## TOTAL

ESTIMATED SOURCE OF FUNDS FOR  
TREATMENT & PREVENTION - STATE

2556,216

2581,223

AMENDMENTS TO	PAGE	61	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
01 HEALTH AND HUMAN SVCS COMMISSIONER					
03 ALCOHOL AND DRUG ABUSE PREVENTION					
02 TREATMENT & PREVENTION - STATE					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
STRIKE OUT					
02 TRANSFER FROM HIGHWAY			360,373		365,653
INSERT IN PLACE THEREOF			360,373		
02 TRANSFER FROM HIGHWAY					
INSERT			1500,000		1865,653
06 REVENUE			2556,216		2581,223
TOTAL					
TOTAL			4122,287		4180,217
ESTIMATED SOURCE OF FUNDS FOR					
ALCOHOL AND DRUG ABUSE PREVENTION					
FEDERAL FUNDS			1043,901		1048,943
GENERAL FUNDS			1165,013		1210,621
OTHER FUNDS			1913,373		1920,653
TOTAL			4122,287		4180,217
TOTAL				4857,066	4935,475
ESTIMATED SOURCE OF FUNDS FOR					
HEALTH AND HUMAN SVCS COMMISSIONER					
FEDERAL FUNDS			1343,901		1348,943
GENERAL FUNDS			1599,792		1665,879
OTHER FUNDS			1913,373		1920,653
TOTAL			4857,066		4935,475
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
02 DIVISION OF PUBLIC HEALTH SERVICES					
02 HEALTH PROTECTION					
02 FACILITIES LICENSING					
STRIKE OUT					
91 AUDIT EXCEPTION				25,615	
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
FACILITIES LICENSING			855,506		933,722
STRIKE OUT					
GENERAL FUND			309,193		361,935



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05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 02 DIVISION OF PUBLIC HEALTH SERVICES 02 HEALTH PROTECTION 02 FACILITIES LICENSING				
INSERT IN PLACE THEREOF				
GENERAL FUND		283,378	361,935	
TOTAL		855,506	933,722	
TOTAL		3356,130	3494,384	
ESTIMATED SOURCE OF FUNDS FOR				
HEALTH PROTECTION				
FEDERAL FUNDS		1709,664	1715,589	
OTHER FUNDS		840,840	973,169	
TOTAL		805,626	805,626	
		3356,130	3494,384	
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 02 DIVISION OF PUBLIC HEALTH SERVICES 06 FAMILY AND COMMUNITY HEALTH 02 MATERNAL AND CHILD HEALTH				
STRIKE OUT				
02 GRANTS		1109,874	1089,396	
INSERT IN PLACE THEREOF				
02 GRANTS		1359,874	1339,396	
TOTAL		1997,615	2000,706	
ESTIMATED SOURCE OF FUNDS FOR				
MATERNAL AND CHILD HEALTH				
STRIKE OUT				
GENERAL FUND		1059,393	1006,378	
INSERT IN PLACE THEREOF				
GENERAL FUND		1309,393	1256,378	
TOTAL		1997,615	2000,706	
		13093,860	13245,543	
TOTAL				
ESTIMATED SOURCE OF FUNDS FOR				
FAMILY AND COMMUNITY HEALTH				
FEDERAL FUNDS		8868,206	9105,166	
GENERAL FUNDS		4104,379	4019,102	

AMENDMENTS TO	PAGE	63	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300						
05 HEALTH AND SOCIAL SERVICES				(CONT.)		
02 DEPARTMENT OF HEALTH & HUMAN SERVICES				(CONT.)		
02 DIVISION OF PUBLIC HEALTH SERVICES				(CONT.)		
04 FAMILY AND COMMUNITY HEALTH				(CONT.)		
OTHER FUNDS					121,275	121,275
TOTAL					13093,860	13245,543
TOTAL					22403,548	22847,603
ESTIMATED SOURCE OF FUNDS FOR						
DIVISION OF PUBLIC HEALTH SERVICES						
FEDERAL FUNDS					10907,299	11150,179
GENERAL FUNDS					9753,650	9930,365
OTHER FUNDS					1742,599	1767,059
TOTAL					22403,548	22847,603
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH & HUMAN SERVICES						
03 DIVISION FOR CHILDREN & YOUTH SERVICES						
05 BUREAU OF RESIDENTIAL SERVICES						
03 OPERATION AND MAINTENANCE						
STRIKE OUT						
48 CONT. MAINT BLDGS & GROUNDS				M		
INSERT IN PLACE THEREOF					17,000	
48 CONT. MAINT BLDGS & GROUNDS					17,000	
TOTAL					599,463	579,721
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH & HUMAN SERVICES						
03 DIVISION FOR CHILDREN & YOUTH SERVICES						
05 BUREAU OF RESIDENTIAL SERVICES						
10 PHILBROOK CENTER-ADMINISTRATION						
STRIKE OUT						
48 CONT. MAINT BLDGS & GROUNDS				M		
INSERT IN PLACE THEREOF					52,000	
48 CONT. MAINT BLDGS & GROUNDS					52,000	
TOTAL					865,388	842,768
TOTAL					8140,560	8435,989

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05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
03 DIVISION FOR CHILDREN & YOUTH SERVICES					
05 BUREAU OF RESIDENTIAL SERVICES					
(CONT.)					
(CONT.)					
(CONT.)					
ESTIMATED SOURCE OF FUNDS FOR					
BUREAU OF RESIDENTIAL SERVICES					
FEDERAL FUNDS					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
41,154					
5688,244					
2411,162					
8140,560					
39021,769					
39,499,536					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION FOR CHILDREN & YOUTH SERVICES					
FEDERAL FUNDS					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
6896,764					
25247,028					
6877,977					
39021,769					
39,499,536					
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
04 DIVISION OF HUMAN SERVICES					
02 PROGRAM OPERATIONS					
05 SUPPORT ENFORCEMENT					
STRIKE OUT					
41 AJDIT FUND SET ASIDE					
D					
16,219					
INSERT IN PLACE THEREOF					
D					
16,468					
41 AJDIT FUND SET ASIDE					
D					
124,485					
INSERT					
49 TRANSFERS TO OTHER AGENCIES					
124,485					
TOTAL					
9558,703					
ESTIMATED SOURCE OF FUNDS FOR					
SUPPORT ENFORCEMENT					
STRIKE OUT					
FEDERAL FUNDS					
INSERT IN PLACE THEREOF					
FEDERAL FUNDS					
TOTAL					
8144,594					
2283,590					
2408,324					
3374,633					
TOTAL					
7117,406					

AMENDMENTS TC	PAGE	65	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300					
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
04 DIVISION OF HUMAN SERVICES					
02 PROGRAM OPERATIONS					
(CONT.)					
(CONT.)					
(CONT.)					
ESTIMATED SOURCE OF FUNDS FOR					
PROGRAM OPERATIONS					
FEDERAL FUNDS				10036,009	4252,777
GENERAL FUNDS				2617,960	2600,744
OTHER FUNDS				483,919	263,885
TOTAL				13137,888	7117,406
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
04 DIVISION OF HUMAN SERVICES					
05 GRANTS					
01 FINANCIAL GRANTS					
STRIKE OUT					
41 AUDIT FUND SET ASIDE			21,045		21,407
INSERT IN PLACE THEREOF					
41 AUDIT FUND SET ASIDE			22,865		23,183
STRIKE OUT					
90 AFDC			20539,068		21407,340
INSERT IN PLACE THEREOF					
90 AFDC			22044,574		22898,460
TOTAL				22067,439	22921,643
ESTIMATED SOURCE OF FUNDS FOR					
FINANCIAL GRANTS					
STRIKE OUT					
FEDERAL FUNDS				10543,209	10725,077
INSERT IN PLACE THEREOF					
FEDERAL FUNDS				11455,158	11614,773
STRIKE OUT					
GENERAL FUND				8965,056	9604,149
INSERT IN PLACE THEREOF					
GENERAL FUND				9560,433	10207,349
TOTAL				22067,439	22921,643
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
04 DIVISION OF HUMAN SERVICES					
05 GRANTS					
05 MEDICAL GRANTS					
STRIKE OUT					
41 AUDIT FUND SET ASIDE			37,926		39,168

AMENDMENTS TO HBO300	PAGE	56	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)					
(02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
(04 DIVISION OF HUMAN SERVICES					
(05 GRANTS					
(05 MEDICAL GRANTS					
(CONT.)					
(CONT.)					
(CONT.)					
INSERT 14 PLACE THEREOF				41,229	
41 ADJUT FUND SET ASIDE			40,039		
STRIKE OUT				39168,156	
90 PROVIDER PAYMENT			37014,945		
INSERT 14 PLACE THEREOF				40713,996	
90 PROVIDER PAYMENT			38586,776		
TOTAL			38626,815		40755,225
ESTIMATED SOURCE OF FUNDS FOR					
MEDICAL GRANTS					
STRIKE OUT					19623,246
FEDERAL FUNDS			19000,682		
INSERT 14 PLACE THEREOF			20059,346		20655,867
FEDERAL FUNDS					16784,478
STRIKE OUT			15285,949		
GENERAL FUND			15801,229		17299,758
INSERT 14 PLACE THEREOF			38626,815		40755,225
GENERAL FUND					
TOTAL					
(05 HEALTH AND SOCIAL SERVICES					
(02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
(04 DIVISION OF HUMAN SERVICES					
(05 GRANTS					
(06 NURSING HOME GRANTS					
ESTIMATED SOURCE OF FUNDS FOR					
NURSING HOME GRANTS					
STRIKE OUT					21841,794
05 PRIVATE AND LOCAL FUNDS			20713,508		
INSERT 14 PLACE THEREOF			16840,251		17757,556
05 PRIVATE AND LOCAL FUNDS					13673,319
STRIKE OUT			12966,994		
GENERAL FUND			16840,251		17757,557
INSERT 14 PLACE THEREOF			69130,655		71103,002
GENERAL FUND					
TOTAL					





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05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
05 DIVISION OF MENTAL HEALTH					
01 ADMINISTRATION					
04 COMMUNITY MENTAL HEALTH SERVICES					
STRIKE 01T					
02 GRANTS			20477,260	31563,071	
INSERT 11 PLACE THEREOF			26039,516	31741,417	
02 GRANTS					36330,420
TOTAL			31586,888		
ESTIMATED SOURCE OF FUNDS FOR					
COMMUNITY MENTAL HEALTH SERVICES					
STRIKE 01T					
GENERAL FUND			21489,394		26749,433
INSERT 11 PLACE THEREOF			21543,050		26817,779
GENERAL FUND			31586,888		36330,420
TOTAL					
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH & HUMAN SERVICES					
05 DIVISION OF MENTAL HEALTH					
01 ADMINISTRATION					
05 COMMUNITY DEVELOP. SERVICES					
STRIKE 01T					
95 GRANTS			40708,187	47261,963	
INSERT 11 PLACE THEREOF			41055,492	47593,178	
95 GRANTS					54436,484
TOTAL			49271,453		
ESTIMATED SOURCE OF FUNDS FOR					
COMMUNITY DEVELOP. SERVICES					
STRIKE 01T					
GENERAL FUND			29175,530		32911,300
INSERT 11 PLACE THEREOF			29522,835		33242,515
GENERAL FUND			49271,453		54436,484
TOTAL			87020,328		97059,109
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION					

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<b>05 HEALTH AND SOCIAL SERVICES</b>					
<b>02 DEPARTMENT OF HEALTH &amp; HUMAN SERVICES</b>					
<b>05 DIVISION OF MENTAL HEALTH</b>					
<b>01 ADMINISTRATION</b>					
(CONT.)					
FEDERAL FUNDS		29912,845		30289,917	
GENERAL FUNDS		54137,352		63263,378	
OTHER FUNDS		2970,131		3505,814	
<b>TOTAL</b>		<b>87020,328</b>		<b>97059,109</b>	
<b>05 HEALTH AND SOCIAL SERVICES</b>					
<b>02 DEPARTMENT OF HEALTH &amp; HUMAN SERVICES</b>					
<b>05 DIVISION OF MENTAL HEALTH</b>					
<b>02 GLENCLIFF HOME FOR THE ELDERLY</b>					
<b>03 MAINTENANCE</b>					
<b>STRIKE OUT</b>					
02 CONT. MAINT BLDGS & GROUNDS		55,000		43,174	
03 IN PLACE THEREOF					
48 CONT. MAINT BLDGS & GROUNDS		55,000		43,174	
<b>TOTAL</b>		<b>741,188</b>		<b>782,738</b>	
<b>05 HEALTH AND SOCIAL SERVICES</b>					
<b>02 DEPARTMENT OF HEALTH &amp; HUMAN SERVICES</b>					
<b>05 DIVISION OF MENTAL HEALTH</b>					
<b>02 GLENCLIFF HOME FOR THE ELDERLY</b>					
<b>04 ADMINISTRATION</b>					
<b>STRIKE OUT</b>					
10 PERSONAL SERVICES - PERMANENT		164,120		170,137	
03 IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT		129,517		135,817	
<b>STRIKE OUT</b>					
60 BENEFITS		43,774		47,063	
03 IN PLACE THEREOF					
60 BENEFITS		36,508		39,513	
<b>TOTAL</b>		<b>251,787</b>		<b>263,314</b>	
<b>ESTIMATED SOURCE OF FUNDS FOR</b>					
<b>ADMINISTRATION</b>					
<b>STRIKE OUT</b>					
GENERAL FUND		293,656		305,184	

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HB0300					
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 03 DIVISION OF MENTAL HEALTH 02 GLENCLIFF HOME FOR THE ELDERLY 04 ADMINISTRATION INSERT IN PLACE THEREOF GENERAL FUND TOTAL			(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)	251,787 251,787 3279,417	263,314 263,314 3457,111
TOTAL ESTIMATED SOURCE OF FUNDS FOR GLENCLIFF HOME FOR THE ELDERLY GENERAL FUNDS OTHER FUNDS TOTAL				3268,929 10,488 3279,417	3446,623 10,488 3457,111
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 03 DIVISION OF MENTAL HEALTH 03 LACONIA STATE SCHOOL 01 ADMINISTRATION STRIKE OUT 10 PERSONAL SERVICES - PERMANENT INSERT IN PLACE THEREOF 10 PERSONAL SERVICES - PERMANENT STRIKE OUT 60 BENEFITS INSERT IN PLACE THEREOF 60 BENEFITS TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION STRIKE OUT GENERAL FUND INSERT IN PLACE THEREOF GENERAL FUND TOTAL			499,078 368,653 118,217 90,828 666,671	438,583 337,998 109,135 87,007 595,387	
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 03 DIVISION OF MENTAL HEALTH 03 LACONIA STATE SCHOOL 02 FINANCIAL MGMT/SUPPORT SERV STRIKE OUT 48 CONT. MAINT BLDGS & GROUNDS			143,000	824,485 666,671 666,671	718,100 595,387 595,387





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05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 05 DIVISION OF MENTAL HEALTH 04 NEW HAMPSHIRE HOSPITAL 03 CLINIC SUPPORT (CONT.) (CONT.) (CONT.) (CONT.) (CONT.)					
INSERT IN PLACE THEREOF			365,370	402,377	
60 BENEFITS					3354,270
TOTAL			3207,641		
ESTIMATED SOURCE OF FUNDS FOR					
CLINIC SUPPORT					
STRIKE OUT					3393,099
GENERAL FUND			3244,725		
INSERT IN PLACE THEREOF			3207,641		3354,270
GENERAL FUND			3207,641		3354,270
TOTAL					
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 05 DIVISION OF MENTAL HEALTH 04 NEW HAMPSHIRE HOSPITAL 04 DOLLOFF/THAYER - ICF STRIKE OUT					
INSERT IN PLACE THEREOF			4061,310	4294,240	
PERSONAL SERVICES - PERMANENT			3981,222	4211,072	
STRIKE OUT					47,867
OTHER PERSONAL SERVICES			70,920		
INSERT IN PLACE THEREOF			61,000	41,000	
STRIKE OUT			887,604	980,328	
60 BENEFITS			870,077	961,515	
INSERT IN PLACE THEREOF					5375,457
60 BENEFITS					
TOTAL			5069,467		
ESTIMATED SOURCE OF FUNDS FOR					
DOLLOFF/THAYER - ICF					
STRIKE OUT					5484,305
GENERAL FUND			5177,002		
INSERT IN PLACE THEREOF			5069,467		5375,457
GENERAL FUND					

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05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 05 DIVISION OF MENTAL HEALTH 04 NE4 HAMPSHIRE HOSPITAL 04 DOLLOFF/THAYER - ICF (CONT.) (CONT.) (CONT.) (CONT.) (CONT.) (CONT.)					
TOTAL			5069,467		5375,457
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH & HUMAN SERVICES 05 DIVISION OF MENTAL HEALTH 04 NE4 HAMPSHIRE HOSPITAL 05 TERTIARY CARE					
STRIKE OUT 10 PERSONAL SERVICES - PERMANENT INSERT IN PLACE THEREOF 10 PERSONAL SERVICES - PERMANENT STRIKE OUT 50 OTHER PERSONAL SERVICES INSERT IN PLACE THEREOF 50 OTHER PERSONAL SERVICES STRIKE OUT 60 BENEFITS INSERT IN PLACE THEREOF 60 BENEFITS			5970,099 5833,815 957,387 935,238 1577,317 1547,114	6311,555 6170,029 989,033 966,032 1745,954 1713,091	
TOTAL ESTIMATED SOURCE OF FUNDS FOR TERTIARY CARE			9774,672		10770,774
STRIKE OUT GENERAL FUND INSERT IN PLACE THEREOF GENERAL FUND TOTAL			9963,308 9774,672 9774,672 28345,739	10968,164 10770,774 10770,774 30037,407	
TOTAL ESTIMATED SOURCE OF FUNDS FOR NE4 HAMPSHIRE HOSPITAL GENERAL FUNDS OTHER FUNDS TOTAL TOTAL			27741,401 604,338 28345,739 133150,182	29423,069 64,338 30037,407 143792,754	

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05 HEALTH AND SOCIAL SERVICES  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
05 DIVISION OF MENTAL HEALTH

(CONT.)  
(CONT.)  
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR			
DIVISION OF MENTAL HEALTH			
FEDERAL FUNDS	29912,845		30289,917
GENERAL FUNDS	99468,380		109188,197
OTHER FUNDS	3768,957		4314,640
TOTAL	133150,182		143792,754
TOTAL	393000,715		405567,901
ESTIMATED SOURCE OF FUNDS FOR			
DEPARTMENT OF HEALTH & HUMAN SERVICES			
FEDERAL FUNDS	148113,240		143961,927
GENERAL FUNDS	203154,310		218292,559
OTHER FUNDS	41733,165		43313,415
TOTAL	393000,715		405567,901
05 HEALTH AND SOCIAL SERVICES			
03 VETERANS HOME			
02 VETS HOME CUSTODIAL CARE			
STRIKE OUT			
48 CONT. MAINT BLDGS & GROUNDS H	30,232	1,768	
INSERT IN PLACE THEREOF		1,768	
48 CONT. MAINT BLDGS & GROUNDS	30,232		
TOTAL	880,923	880,139	
TOTAL	2456,665	2566,728	
ESTIMATED SOURCE OF FUNDS FOR			
VETERANS HOME			
FEDERAL FUNDS	535,000		535,000
GENERAL FUNDS	947,357		952,420
OTHER FUNDS	974,308		1056,358
TOTAL	2456,665		2566,728
TOTAL	395637,923		408324,500

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05 HEALTH AND SOCIAL SERVICES (CONT.)

ESTIMATED SOURCE OF FUNDS FOR		
HEALTH AND SOCIAL SERVICES		
FEDERAL FUNDS	148648,240	164496,927
GENERAL FUNDS	204282,210	219477,850
OTHER FUNDS	42707,473	44349,723
TOTAL	395637,923	408324,500

06 EDUCATION  
01 POST SECONDARY EDUCATION COMMISSION  
01 ADMINISTRATION & FINANCIAL AID

ESTIMATED SOURCE OF FUNDS FOR		
ADMINISTRATION & FINANCIAL AID		
STRIKE OUT	7,600	7,600
09 NURSING SCHLRSH REPAYMNT		
INSERT 14 PLACE THEREOF	7,600	7,600
09 NURSING SCHLRSH REPAYMNT		
TOTAL	2668,738	2690,701

06 EDUCATION  
01 POST SECONDARY EDUCATION COMMISSION  
02 VETERANS EDUCATION SERVICES

ESTIMATED SOURCE OF FUNDS FOR		
VETERANS EDUCATION SERVICES		
STRIKE OUT	600	600
05 PRIVATE OR LOCAL FUNDS		
INSERT 14 PLACE THEREOF	600	600
05 PRIVATE OR LOCAL FUNDS		
TOTAL	66,484	68,953
TOTAL	2773,972	2798,404

ESTIMATED SOURCE OF FUNDS FOR  
POST SECONDARY EDUCATION COMMISSION

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HB0300								
06 EDUCATION					(CONT.)			
01 POST SECONDARY EDUCATION COMMISSION					(CONT.)			
FEDERAL FUNDS					370,973		373,447	
GENERAL FUNDS					2394,799		2416,757	
OTHER FUNDS					8,200		8,200	
TOTAL					2773,972		2798,404	
06 EDUCATION								
03 DEPARTMENT OF EDUCATION								
01 OFFICE OF THE COMMISSIONER								
01 COMMISSIONER - STATE								
STRIKE OUT					9,701		10,069	
040 INDIRECT COSTS								
INSE01 FULL-TIME TEMPORARY					1		1	
STRIKE OUT								
050 DROPOUT PREVENTION					50,000		100,000	
INSE02 IN PLACE THEREOF								
STRIKE OUT					50,000		100,000	
060 DROPOUT PREVENTION								
STRIKE OUT								
091 POSITION CONVERSION					100,000		100,000	
INSE03 IN PLACE THEREOF								
STRIKE OUT					100,000		100,000	
093 POSITION CONVERSION								
STRIKE OUT								
* DROPOUT PREVENTION: THE PROVISIONS OF SECTION								
19 DO NOT APPLY.								
STRIKE OUT								
* POSITION CONVERSION: THE PROVISIONS OF SECTION								
19 DO NOT APPLY.								
TOTAL					8219,190		7773,227	
ESTIMATED SOURCE OF FUNDS FOR								
COMMISSIONER - STATE								



AMENDMENTS TO	PAGE	77	04/01/87	FISCAL YEAR 1988	FISCAL YEAR 1989
480300					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
01 OFFICE OF THE COMMISSIONER					
01 COMMISSIONER - STATE					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
STRIKE OUT					
09 LITERARY FUND				117,867	117,867
INSERT IN PLACE THEREOF					
09 LITERARY FUND				117,867	117,867
STRIKE OUT					
GENERAL FUND				8111,023	7665,428
INSERT IN PLACE THEREOF					
GENERAL FUND				8101,323	7655,360
TOTAL				8219,190	7773,227
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
01 OFFICE OF THE COMMISSIONER					
03 AUDIT SECTION					
01 AUDIT REVIEW AND TECHNICAL ASSISTANCE					
ESTIMATED SOURCE OF FUNDS FOR					
AUDIT REVIEW AND TECHNICAL ASSISTANCE					
STRIKE OUT					
01 FEDERAL PROGRAM AUDIT				72,667	69,556
INSERT IN PLACE THEREOF					
01 FEDERAL PROGRAM AUDIT				72,667	69,556
TOTAL				72,667	69,556
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
AUDIT SECTION				72,667	69,556
OTHER FUNDS				72,667	69,556
TOTAL					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
01 OFFICE OF THE COMMISSIONER					
04 EDUCATION PROGRAMS					
01 SPECIAL INITIATIVES PROGRAM					
INSERT					
90 ELEMENTARY-SECONDARY INITIATIVE					
G					500,000

AMENDMENTS TO	PAGE	78	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<p>HB0300</p>					
<p>06 EDUCATION</p>					
<p>03 DEPARTMENT OF EDUCATION</p>					
<p>01 OFFICE OF THE COMMISSIONER</p>					
<p>04 EDUCATION PROGRAMS</p>					
<p>01 SPECIAL INITIATIVES PROGRAM</p>					
<p>(CONT.)</p>					
<p>(CONT.)</p>					
<p>(CONT.)</p>					
<p>(CONT.)</p>					
<p>TOTAL</p>					
<p>ESTIMATED SOURCE OF FUNDS FOR</p>					
<p>SPECIAL INITIATIVES PROGRAM</p>					
<p>STRIKE OJT</p>					
<p>GENERAL FUND</p>					
<p>INSERT IN PLACE THEREOF</p>					
<p>GENERAL FUND</p>					
<p>TOTAL</p>					
<p>750,000</p>					
<p>TOTAL</p>					
<p>ESTIMATED SOURCE OF FUNDS FOR</p>					
<p>EDUCATION PROGRAMS</p>					
<p>GENERAL FUNDS</p>					
<p>TOTAL</p>					
<p>250,000</p>					
<p>750,000</p>					
<p>750,000</p>					
<p>750,000</p>					
<p>750,000</p>					
<p>750,000</p>					
<p>06 EDUCATION</p>					
<p>03 DEPARTMENT OF EDUCATION</p>					
<p>01 OFFICE OF THE COMMISSIONER</p>					
<p>05 TRUST FUNDS</p>					
<p>01 HARRIET L. HUNTRESS FUND</p>					
<p>ESTIMATED SOURCE OF FUNDS FOR</p>					
<p>HARRIET L. HUNTRESS FUND</p>					
<p>STRIKE OJT</p>					
<p>03 REVOLVING FUNDS</p>					
<p>INSERT IN PLACE THEREOF</p>					
<p>03 REVOLVING FUNDS</p>					
<p>TOTAL</p>					
<p>3,000</p>					
<p>3,000</p>					
<p>3,000</p>					
<p>06 EDUCATION</p>					
<p>03 DEPARTMENT OF EDUCATION</p>					
<p>01 OFFICE OF THE COMMISSIONER</p>					
<p>05 TRUST FUNDS</p>					
<p>02 HATTIE E.F. LIVESHEY FUND</p>					
<p>ESTIMATED SOURCE OF FUNDS FOR</p>					
<p>HATTIE E.F. LIVESHEY FUND</p>					
<p>1</p>					

AMENDMENTS TO	PAGE	79	04/01/87			FISCAL YEAR 1988		FISCAL YEAR 1989
HBO300								
O6 EDUCATION				(CONT.)				
O3 DEPARTMENT OF EDUCATION				(CONT.)				
O1 OFFICE OF THE COMMISSIONER				(CONT.)				
O5 TRUST FUNDS				(CONT.)				
O2 HATTIE E.F. LIVESY FUND				(CONT.)				
STRIKE OUT								
O3 CLEARING ACCOUNT	I				1,000		1,000	
INSERT IN PLACE THEREOF					1,000		1,000	
O3 CLEARING ACCOUNT					1,000		1,000	
TOTAL								
TOTAL ESTIMATED SOURCE OF FUNDS FOR					4,000		4,000	
TRUST FUNDS								
OTHER FUNDS					4,000		4,000	
TOTAL					4,000		4,000	
TOTAL ESTIMATED SOURCE OF FUNDS FOR						9,429,863		8,230,945
OFFICE OF THE COMMISSIONER								
FEDERAL FUNDS						204,006		204,162
GENERAL FUNDS						851,323		765,360
OTHER FUNDS						374,534		371,423
TOTAL						9,429,863		8,230,945
O6 EDUCATION								
O3 DEPARTMENT OF EDUCATION								
O2 OFFICE OF ADMINISTRATION								
O3 DATA SERVICES								
O1 COMPUTER AND STATISTICAL SERVICES - STATE								
STRIKE OUT								
28 TRANSFERS TO GENERAL SERVICES					2,985		2,985	
INSERT IN PLACE THEREOF								
28 TRANSFERS TO GENERAL SERVICES					4,332		4,334	
STRIKE OUT								
40 INDIRECT COSTS	E				7,696		7,858	
TOTAL						273,176		263,589
ESTIMATED SOURCE OF FUNDS FOR								
COMPUTER AND STATISTICAL SERVICES - STATE								
STRIKE OUT								
GENERAL FUND						279,525		270,098

AMENDMENTS TO HB0300	PAGE	80	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
02 OFFICE OF ADMINISTRATION					
03 DATA SERVICES					
01 COMPUTER AND STATISTICAL SERVICES - STATE					
(CONT.)					
INSERT 14 PLACE THEREOF					
GENERAL FUND					
TOTAL				273,176	263,589
				273,176	263,589
(CONT.)					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
02 OFFICE OF ADMINISTRATION					
03 DATA SERVICES					
04 PRINTING-REVOLVING FUND					
(CONT.)					
ESTIMATED SOURCE OF FUNDS FOR					
PRINTING-REVOLVING FUND					
STRIKE OUT					
03 CLEARING ACCOUNT				10,000	10,000
INSERT 14 PLACE THEREOF				10,000	10,000
03 CLEARING ACCOUNT				10,000	10,000
TOTAL				441,961	441,961
TOTAL				442,888	441,961
ESTIMATED SOURCE OF FUNDS FOR					
DATA SERVICES					
FEDERAL FUNDS				159,712	168,372
GENERAL FUNDS				273,176	263,589
OTHER FUNDS				10,000	10,000
TOTAL				442,888	441,961
TOTAL				33004,955	33042,934
ESTIMATED SOURCE OF FUNDS FOR					
OFFICE OF ADMINISTRATION					
FEDERAL FUNDS				159,712	168,372
GENERAL FUNDS				13835,243	11564,562
OTHER FUNDS				19010,000	21310,000
TOTAL				33004,955	33042,934
(CONT.)					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
03 DIVISION OF INSTRUCTION					
01 GENERAL INSTRUCTION					
01 INSTRUCTION - ADMINISTRATION					
STRIKE OUT					
28 TRANSFERS TO GENERAL SERVICES				5,270	5,270

AMENDMENTS TO	PAGE	81	04/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
HB0300						
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
03 DIVISION OF INSTRUCTION						
01 GENERAL INSTRUCTION						
01 INSTRUCTION - ADMINISTRATION						
INSERT IN PLACE THEREOF						
28 TRANSFERS TO GENERAL SERVICES				8,134		8,136
STRIKE OUT						
40 INDIRECT COSTS				2,781		2,888
TOTAL					198,524	191,057
ESTIMATED SOURCE OF FUNDS FOR						
INSTRUCTION - ADMINISTRATION						
STRIKE OUT						
GENERAL FUND					198,441	191,079
INSERT IN PLACE THEREOF						
GENERAL FUND					198,524	191,057
TOTAL					198,524	191,057
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
03 DIVISION OF INSTRUCTION						
01 GENERAL INSTRUCTION						
02 INSTRUCTION PROGRAM - STATE						
STRIKE OUT						
28 TRANSFERS TO GENERAL SERVICES				7,495		7,495
INSERT IN PLACE THEREOF						
28 TRANSFERS TO GENERAL SERVICES				17,328		17,756
STRIKE OUT						
40 INDIRECT COSTS				24,614		24,933
TOTAL					329,760	336,731
ESTIMATED SOURCE OF FUNDS FOR						
INSTRUCTION PROGRAM - STATE						
STRIKE OUT						
GENERAL FUND					344,541	351,403
INSERT IN PLACE THEREOF						
GENERAL FUND					329,760	336,731
TOTAL					329,760	336,731
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
03 DIVISION OF INSTRUCTION						
01 GENERAL INSTRUCTION						
03 INSTRUCTION PROGRAM - FEDERAL						
STRIKE OUT						
28 TRANSFERS TO GENERAL SERVICES				8,420		8,420





AMENDMENTS TO PAGE 83 04/01/87  
HB0300

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

06 EDUCATION  
03 DEPARTMENT OF EDUCATION  
03 DIVISION OF INSTRUCTION  
01 GENERAL INSTRUCTION  
06 ADULT BASIC EDUCATION  
(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

INSERT IN PLACE THEREOF  
28 TRANSFERS TO GENERAL SERVICES

5,961

6,026

780,982

795,246

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
ADULT BASIC EDUCATION

STRIKE OUT  
ADULT BASIC -EDUCATION  
INSERT IN PLACE THEREOF

499,010

501,246

503,048

ADULT BASIC -EDUCATION

40,000

23,934

1

09 HIGH SCHOOL EQUIVALENCY

40,000

23,934

INSERT IN PLACE THEREOF

795,246

780,982

TOTAL

06 EDUCATION  
03 DEPARTMENT OF EDUCATION  
03 DIVISION OF INSTRUCTION  
01 GENERAL INSTRUCTION  
09 GIFTED AND TALENTED

STRIKE OUT

28 TRANSFERS TO GENERAL SERVICES

1,125

1,125

INSERT IN PLACE THEREOF

1,649

1,649

28 TRANSFERS TO GENERAL SERVICES

7,345

7,345

E

40 INDIRECT COSTS

450,000

450,000

\*

20 PROJECTS

200,000

200,000

\*

90 PROJECTS

264,551

261,382

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
GIFTED AND TALENTED

521,372

518,113

STRIKE OUT  
GENERAL FUND

AMENDMENTS TO	PAGE	84	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div>					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
03 DIVISION OF INSTRUCTION					
01 GENERAL INSTRUCTION					
09 GIFTED AND TALENTED					
INSERT IN PLACE THEREOF				261,382	264,551
GENERAL FUND				261,382	264,551
TOTAL					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
03 DIVISION OF INSTRUCTION					
01 GENERAL INSTRUCTION					
10 ENGLISH AS A SECOND LANGUAGE					
ESTIMATED SOURCE OF FUNDS FOR					
ENGLISH AS A SECOND LANGUAGE					
STRIKE OUT				50,000	50,000
01 TRANSFER FR HUMAN RESOURCES					
INSERT IN PLACE THEREOF				50,000	50,000
01 TRANSFER FR HUMAN RESOURCES				50,000	50,000
TOTAL					
TOTAL				15608,707	15896,778
ESTIMATED SOURCE OF FUNDS FOR					
GENERAL INSTRUCTION					
FEDERAL FUNDS				14284,653	14551,045
GENERAL FUNDS				1250,120	1255,733
OTHER FUNDS				73,934	90,000
TOTAL				15608,707	15896,778
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
03 DIVISION OF INSTRUCTION					
02 VOCATIONAL EDUCATION					
01 VOCATIONAL EDUCATION - STATE					
STRIKE OUT				22,197	25,640
20 CURRENT EXPENSES					
INSERT IN PLACE THEREOF				36,983	39,889
20 CURRENT EXPENSES					
STRIKE OUT				10,150	10,150
28 TRANSFERS TO GENERAL SERVICES					

AMENDMENTS TO	PAGE	85	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<div>(CONT.)</div> <div>(CONT.)</div> <div>(CONT.)</div> <div>(CONT.)</div> <div>(CONT.)</div>					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
03 DIVISION OF INSTRUCTION					
02 VOCATIONAL EDUCATION					
01 VOCATIONAL EDUCATION - STATE					
INSERT IN PLACE THEREOF				14,142	14,146
28 TRANSFERS TO GENERAL SERVICES					
STRIKE OUT				100	100
30 EQUIPMENT				20,100	5,100
INSERT IN PLACE THEREOF					
30 EQUIPMENT				46,210	48,258
STRIKE OUT					
40 INDIRECT COSTS					
STRIKE OUT					
50 OTHER PERSONAL SERVICES				1,000	2,000
INSERT IN PLACE THEREOF				4,000	12,000
50 OTHER PERSONAL SERVICES					
STRIKE OUT				58,676	64,054
60 BENEFITS					
INSERT IN PLACE THEREOF				58,890	64,805
60 BENEFITS					
STRIKE OUT				5,000	6,500
70 IN-STATE TRAVEL					
INSERT IN PLACE THEREOF				6,218	7,762
70 IN-STATE TRAVEL					
STRIKE OUT				3,000	6,000
80 OUT-OF-STATE TRAVEL					
INSERT IN PLACE THEREOF				6,000	9,000
80 OUT-OF-STATE TRAVEL					
STRIKE OUT				47,000	50,000
92 APPRENTICE TRAINING					
INSERT IN PLACE THEREOF				47,000	60,000
92 APPRENTICE TRAINING					
TOTAL				2722,769	3026,868
<div>06 EDUCATION</div> <div>03 DEPARTMENT OF EDUCATION</div> <div>03 DIVISION OF INSTRUCTION</div> <div>02 VOCATIONAL EDUCATION</div> <div>02 VOCATIONAL EDUCATION - FEDERAL</div>					
STRIKE OUT				23,675	23,675
28 TRANSFERS TO GENERAL SERVICES					

AMC:LINE ITS TO	PAGE	86	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
03 DIVISION OF INSTRUCTION					
02 VOCATIONAL EDUCATION					
02 VOCATIONAL EDUCATION - FEDERAL					
INSERT 14 PLACE THEREOF					
28 TRANSFERS TO GENERAL SERVICES					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
VOCATIONAL EDUCATION - FEDERAL					
STRIKE OUT					
EDUCATIONAL PROFESSIONS					
INSERT 14 PLACE THEREOF					
EDUCATIONAL PROFESSIONS					
TOTAL					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
03 DIVISION OF INSTRUCTION					
02 VOCATIONAL EDUCATION					
02 VOCATIONAL EDUCATION - SPECIAL					
STRIKE OUT					
28 TRANSFERS TO GENERAL SERVICES					
INSERT 14 PLACE THEREOF					
28 TRANSFERS TO GENERAL SERVICES					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
VOCATIONAL EDUCATION - SPECIAL					
STRIKE OUT					
CONSUMER AND HOME MAKING					
INSERT 14 PLACE THEREOF					
CONSUMER AND HOME MAKING					
TOTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
VOCATIONAL EDUCATION					
FEDERAL FUNDS					
GENERAL FUNDS					





AMENDMENTS TO	PAGE	88	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
06 EDUCATION 03 DEPARTMENT OF EDUCATION 03 DIVISION OF INSTRUCTION 03 SPECIAL EDUCATION 01 SPECIAL EDUCATION - STATE TOTAL					
				7358,993	7550,967
06 EDUCATION 03 DEPARTMENT OF EDUCATION 03 DIVISION OF INSTRUCTION 03 SPECIAL EDUCATION 02 SPECIAL EDUCATION - FEDERAL TOTAL					
			11,990		
			37,721		
				4768,624	4871,407
STRIKE OUT 28 TRANSFERS TO GENERAL SERVICES INSERT IN PLACE THEREOF 28 TRANSFERS TO GENERAL SERVICES TOTAL					
				4742,893	4845,589
				4768,624	4871,407
				4768,624	4871,407
INSERT IN PLACE THEREOF SPECIAL EDUCATION ESEA 6 TOTAL					
				14163,137	14510,355
TOTAL ESTIMATED SOURCE OF FUNDS FOR SPECIAL EDUCATION FEDERAL FUNDS GENERAL FUNDS TOTAL					
				4939,576	5045,711
				9223,561	9464,644
				14163,137	14510,355
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF INSTRUCTION FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS TOTAL					
				35919,850	36940,515
06 EDUCATION 03 DEPARTMENT OF EDUCATION 04 DIVISION OF STANDARDS AND CERTIFICATION 01 STANDARDS & CERTIFICATION 01 STANDARDS & CERTIFICATION - ADMINISTRATION TOTAL					
				22649,466	23103,270
				13196,450	13747,245
				73,934	90,000
				35919,850	36940,515
STRIKE OUT 28 TRANSFERS TO GENERAL SERVICES					
					6,565



AMENDMENTS TO HB0300	PAGE	90	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<b>06 EDUCATION</b>					
<b>03 DEPARTMENT OF EDUCATION</b>					
<b>04 DIVISION OF STANDARDS AND CERTIFICATION</b>					
<b>01 STANDARDS &amp; CERTIFICATION</b>					
<b>06 SEX DESEGREGATION</b>					
<b>INSERT 14 PLACE THEREOF</b>					
<b>28 TRANSFERS TO GENERAL SERVICES</b>					
TOTAL				111,508	116,147
<b>ESTIMATED SOURCE OF FUNDS FOR</b>					
<b>SEX DESEGREGATION</b>					
<b>STRIKE OJT</b>					
TECH ASSISTANCE-SEX EBTY				110,429	115,133
<b>INSERT 14 PLACE THEREOF</b>					
TECH ASSISTANCE-SEX EBTY				111,508	116,147
TOTAL				111,508	116,147
<b>06 EDUCATION</b>					
<b>03 DEPARTMENT OF EDUCATION</b>					
<b>04 DIVISION OF STANDARDS AND CERTIFICATION</b>					
<b>01 STANDARDS &amp; CERTIFICATION</b>					
<b>07 JOB TRAINING PARTNERSHIP ACT</b>					
<b>ESTIMATED SOURCE OF FUNDS FOR</b>					
<b>JOB TRAINING PARTNERSHIP ACT</b>					
<b>STRIKE OJT</b>					
05 N.H. JOB TRAINING PRV IND 1				53,048	55,709
<b>INSERT 14 PLACE THEREOF</b>					
05 N.H. JOB TRAINING PRV IND				53,048	55,709
TOTAL				53,048	55,709
<b>06 EDUCATION</b>					
<b>03 DEPARTMENT OF EDUCATION</b>					
<b>04 DIVISION OF STANDARDS AND CERTIFICATION</b>					
<b>01 STANDARDS &amp; CERTIFICATION</b>					
<b>08 SCHOOL APPROVAL SECTION</b>					
<b>STRIKE OJT</b>					
40 INDIRECT COSTS E				15,026	15,638
TOTAL				126,840	125,960
<b>ESTIMATED SOURCE OF FUNDS FOR</b>					
<b>SCHOOL APPROVAL SECTION</b>					

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)



AMENDMENTS TO	PAGE	92	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HUD300						
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
04 DIVISION OF STANDARDS AND CERTIFICATION						
01 STANDARDS & CERTIFICATION						
(CONT.)						
(CONT.)						
(CONT.)						
FEDERAL FUNDS						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL						
238,991						
321,800						
168,236						
744,255						
246,993						
329,026						
168,236						
744,255						
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
04 DIVISION OF STANDARDS AND CERTIFICATION						
02 FOOD & NUTRITION						
01 FOOD AND NUTRITION - STATE						
STRIKE OUT						
20 CURRENT EXPENSES						
INSERT 14 PLACE THEREOF						
20 CURRENT EXPENSES						
STRIKE OUT						
28 TRANSFERS TO GENERAL SERVICES						
INSERT 14 PLACE THEREOF						
28 TRANSFERS TO GENERAL SERVICES						
STRIKE OUT						
40 INDIRECT COSTS						
STRIKE OUT						
46 CONSULTANTS						
INSERT 14 PLACE THEREOF						
46 CONSULTANTS						
STRIKE OUT						
50 OTHER PERSONAL SERVICES						
INSERT 14 PLACE THEREOF						
50 OTHER PERSONAL SERVICES						
STRIKE OUT						
60 BENEFITS						
INSERT 14 PLACE THEREOF						
60 BENEFITS						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
FOOD AND NUTRITION - STATE						
55,774						
86,143						





AMENDMENTS TO	PAGE	94	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<p>06 EDUCATION            03 DEPARTMENT OF EDUCATION            04 DIVISION OF STANDARDS AND CERTIFICATION            02 FOOD &amp; NUTRITION            04 SUMMER FOOD SERVICE PROGRAM            ESTIMATED SOURCE OF FUNDS FOR            SUMMER FOOD SERVICE PROGRAM            STRIKE OJT            SUMMER FOOD SERVICE PROG            INSERT IN PLACE THEREOF            SUMMER FOOD SERVICE PROG            TOTAL</p>					
				291,954	297,678
				293,275	298,978
				293,275	298,978
<p>06 EDUCATION            03 DEPARTMENT OF EDUCATION            04 DIVISION OF STANDARDS AND CERTIFICATION            02 FOOD &amp; NUTRITION            05 NUTRITIONAL EDUCATION AND TRAINING            STRIKE OJT            28 TRANSFERS TO GENERAL SERVICES            INSERT IN PLACE THEREOF            28 TRANSFERS TO GENERAL SERVICES            TOTAL</p>					
			1,710		1,710
			3,031		3,010
				72,858	74,237
<p>ESTIMATED SOURCE OF FUNDS FOR            NUTRITIONAL EDUCATION AND TRAINING            STRIKE OJT            FY'80 NUTR. EDU.&amp; TRAIN            INSERT IN PLACE THEREOF            FY'80 NUTR. EDU.&amp; TRAIN            TOTAL</p>					
				71,537	72,937
				72,858	74,237
				72,858	74,237
<p>06 EDUCATION            03 DEPARTMENT OF EDUCATION            04 DIVISION OF STANDARDS AND CERTIFICATION            02 FOOD &amp; NUTRITION            06 CHILD CARE FOOD SERVICE PROGRAM            STRIKE OJT            28 TRANSFERS TO GENERAL SERVICES            INSERT IN PLACE THEREOF            28 TRANSFERS TO GENERAL SERVICES</p>					
			3,365		3,365
			5,989		5,844

AMENDMENTS TO	PAGE	95	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300						
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
04 DIVISION OF STANDARDS AND CERTIFICATION						
02 FOOD & NUTRITION						
06 CHILD CARE FOOD SERVICE PROGRAM						
(CONT.)						
(CONT.)						
(CONT.)						
(CONT.)						
TOTAL				1590,414		1667,251
ESTIMATED SOURCE OF FUNDS FOR						
CHILD CARE FOOD SERVICE PROGRAM						
STRIKE OUT				1587,790		1664,772
CHILD CARE FOOD SVC PRGM				1590,414		1667,251
INSERT IN PLACE THEREOF				1590,414		1667,251
CHILD CARE FOOD SVC PRGM						
TOTAL				13393,529		13656,633
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
FOOD & NUTRITION				12505,752		12738,487
FEDERAL FUNDS				887,777		918,146
GENERAL FUNDS				13393,529		13656,633
TOTAL						
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
04 DIVISION OF STANDARDS AND CERTIFICATION						
03 NURSES REGISTRATION BOARD						
INSERT					24,079	
22 RENT & LEASE OTHER THAN STATE				23,544		
STRIKE OUT					11,185	
26 TRANSFERS TO GENERAL SERVICES				11,185		
STRIKE OUT					26,922	
40 INDIRECT COSTS				25,925		
E						
TOTAL				276,781		279,447
ESTIMATED SOURCE OF FUNDS FOR						
NURSES REGISTRATION BOARD						
STRIKE OUT				290,347		293,475
GENERAL FUND						
INSERT IN PLACE THEREOF				276,781		279,447
GENERAL FUND						

AMENDMENTS TO	PAGE	96	04/01/87	-----	FISCAL YEAR 1988	-----	FISCAL YEAR 1989	-----
HBO300								
06 EDUCATION 03 DEPARTMENT OF EDUCATION 04 DIVISION OF STANDARDS AND CERTIFICATION 03 NURSES REGISTRATION BOARD (CONT.) (CONT.) (CONT.) (CONT.)								
TOTAL					276,781		279,447	
06 EDUCATION								
03 DEPARTMENT OF EDUCATION								
04 DIVISION OF STANDARDS AND CERTIFICATION								
04 TEACHER EDUCATION & CERTIFICATION								
01 TEACHER CERTIFICATION								
STRIKE OUT								
28 TRANSFERS TO GENERAL SERVICES				13,480				13,480
INSERT IN PLACE THEREOF								
28 TRANSFERS TO GENERAL SERVICES				29,804				29,850
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR					299,961		312,560	
TEACHER CERTIFICATION								
STRIKE OUT								
CERTIFICATION FEES					283,637		296,190	
INSERT IN PLACE THEREOF								
09 CERTIFICATION FEES					299,961		312,560	
TOTAL					299,961		312,560	
STRIKE OUT AFTER SOURCE OF FUNDS								

TEACHER CERTIFICATION, FOR THE BIENNIMUM ENDING JUNE 30, 1989, THE STATE BOARD OF EDUCATION IS HEREBY AUTHORIZED TO EXPEND, IN ACCORDANCE WITH RSA 186:11, X, ANY EXISTING BALANCE AND ANY FUNDS WHICH MAY BECOME AVAILABLE DURING THE BIENNIMUM IN PAU 06-03-04-01, SUCH EXPENDITURES, TO BE MADE AS NECESSARY FOR THE EFFICIENT OPERATION OF SAID OFFICE, SHALL NOT REQUIRE THE EXPENDITURE OF STATE GENERAL FUNDS AND, FURTHER, SHALL BE SUBJECT TO THE PRIOR APPROVAL OF THE FISCAL COMMITTEE AND THE APPROVAL OF THE GOVERNOR AND COUNCIL.

AMENDMENTS TO	PAGE	97	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HB0300					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
04 DIVISION OF STANDARDS AND CERTIFICATION					
04 TEACHER EDUCATION & CERTIFICATION					
01 TEACHER CERTIFICATION					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
04 DIVISION OF STANDARDS AND CERTIFICATION					
04 TEACHER EDUCATION & CERTIFICATION					
02 PROGRAM DEVELOPMENT					
STRIKE OUT					
40 INDIRECT COSTS				9,332	9,893
TOTAL				90,789	94,714
ESTIMATED SOURCE OF FUNDS FOR					
PROGRAM DEVELOPMENT					
STRIKE OUT				100,121	104,607
INSERT IN PLACE THEREOF				90,789	94,714
GENERAL FUND				90,789	94,714
GENERAL FUND				390,750	407,274
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
TEACHER EDUCATION & CERTIFICATION				90,789	94,714
GENERAL FUNDS				299,961	312,560
OTHER FUNDS				390,750	407,274
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR				14786,495	15087,609
DIVISION OF STANDARDS AND CERTIFICATION					
FEDERAL FUNDS				12744,743	12985,480
GENERAL FUNDS				1377,147	1621,333
OTHER FUNDS				464,605	480,796
TOTAL				14786,495	15087,609
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
05 DIVISION OF VOCATIONAL REHABILITATION					
01 VOCATIONAL REHABILITATION - ADMINISTRATION					
INSERT				10,777	11,022
22 RENT & LEASE OTHER THAN STATE					

		----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
AMENDMENTS TO	PAGE	98	04/01/87		
HB0300					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
05 DIVISION OF VOCATIONAL REHABILITATION					
01 VOCATIONAL REHABILITATION - ADMINISTRATION					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
STRIKE OUT					
28 TRANSFERS TO GENERAL SERVICES					
STRIKE OUT					
40 INDIRECT COSTS					
STRIKE OUT					
90 INFO-LINE					
INSERT IN PLACE THEREOF					
90 INFO-LINE					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
VOCATIONAL REHABILITATION - ADMINISTRATION					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
05 DIVISION OF VOCATIONAL REHABILITATION					
02 PROGRAM SERVICES					
01 PROGRAM ADMINISTRATION					
INSERT					
22 RENT & LEASE OTHER THAN STATE					
STRIKE OUT					
28 TRANSFERS TO GENERAL SERVICES					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
PROGRAM ADMINISTRATION					
STRIKE OUT					
VR ADMIN SERVICES					
INSERT IN PLACE THEREOF					
VR ADMIN SERVICES					
STRIKE OUT					
GENERAL FUND					



AMENDMENTS TO	PAGE	99	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300						
O6 EDUCATION				(CONT.)		
03 DEPARTMENT OF EDUCATION				(CONT.)		
05 DIVISION OF VOCATIONAL REHABILITATION				(CONT.)		
02 PROGRAM SERVICES				(CONT.)		
01 PROGRAM ADMINISTRATION				(CONT.)		
INSERT IN PLACE THEREOF						
GENERAL FUND					115,183	119,660
TOTAL					575,916	598,302
O6 EDUCATION						
03 DEPARTMENT OF EDUCATION						
05 DIVISION OF VOCATIONAL REHABILITATION						
02 PROGRAM SERVICES						
03 INDEPENDENT SERVICES (PART A)						
INSERT						
22 RENT & LEASE OTHER THAN STATE				1,571		1,607
TOTAL					230,755	236,146
ESTIMATED SOURCE OF FUNDS FOR						
INDEPENDENT SERVICES (PART A)						
STRIKE OUT						
COMPREHENSIVE SERVICES					206,276	209,285
INSERT IN PLACE THEREOF					207,690	210,731
COMPREHENSIVE SERVICES						
STRIKE OUT					22,908	23,254
GENERAL FUND					23,065	23,415
INSERT IN PLACE THEREOF					230,755	236,146
TOTAL						
O6 EDUCATION						
03 DEPARTMENT OF EDUCATION						
05 DIVISION OF VOCATIONAL REHABILITATION						
02 PROGRAM SERVICES						
05 DISABLED WORKERS ADAPTIVE EQUIPMENT						
STRIKE OUT						
90 TELECOMMUNICATIONS EQUIPMENT				20,000		20,000
INSERT IN PLACE THEREOF						
90 TELECOMMUNICATIONS EQUIPMENT				4,000		5,000
INSERT						
91 ADAPTIVE EQUIPMENT				5,000		5,000

AMENDMENTS TO	PAGE	100	04/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
<div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div>					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
05 DIVISION OF VOCATIONAL REHABILITATION					
02 PROGRAM SERVICES					
05 DISABLED WORKERS ADAPTIVE EQUIPMENT					
TOTAL			9,000		10,000
ESTIMATED SOURCE OF FUNDS FOR					
DISABLED WORKERS ADAPTIVE EQUIPMENT					
STRIKE OUT			20,000		20,000
GENERAL FUND					
INSERT IN PLACE THEREOF			9,000		10,000
GENERAL FUND			9,000		10,000
TOTAL					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
05 DIVISION OF VOCATIONAL REHABILITATION					
02 PROGRAM SERVICES					
06 WORKER PERSONAL CARE ATTENDANT					
INSERT			7,300		7,300
90 GRANTS					
TOTAL			7,300		7,300
ESTIMATED SOURCE OF FUNDS FOR					
WORKER PERSONAL CARE ATTENDANT					
INSERT			7,300		7,300
GENERAL FUND			7,300		7,300
TOTAL					
TOTAL			1618,704		2052,930
ESTIMATED SOURCE OF FUNDS FOR					
PROGRAM SERVICES			891,157		912,107
FEDERAL FUNDS			727,547		1140,823
GENERAL FUNDS			1618,704		2052,930
TOTAL					
06 EDUCATION					
03 DEPARTMENT OF EDUCATION					
05 DIVISION OF VOCATIONAL REHABILITATION					
04 SERVICES FOR THE BLIND					
01 BLIND PROGRAM - STATE					
STRIKE OUT			8,745		9,095
20 CURRENT EXPENSES					

AMENDMENTS TO	PAGE	101	04/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
06 EDUCATION						
03 DEPARTMENT OF EDUCATION				(CONT.)		
05 DIVISION OF VOCATIONAL REHABILITATION				(CONT.)		
04 SERVICES FOR THE BLIND				(CONT.)		
01 BLIND PROGRAM - STATE				(CONT.)		
INSERT 14 PLACE THEREOF				12,673	13,020	
20 CURRENT EXPENSES						
INSERT				10,274	10,508	
22 RENT & LEASE OTHER THAN STATE						
STRIKE OUT				5,355	5,355	
28 TRANSFERS TO GENERAL SERVICES						
STRIKE OUT				17,963	18,786	
40 INDIRECT COSTS						
STRIKE OUT				771	786	
50 OTHER PERSONAL SERVICES						
INSERT 14 PLACE THEREOF				1,771	1,786	
50 OTHER PERSONAL SERVICES						
STRIKE OUT				22,755	24,834	
60 BENEFITS						
INSERT IN PLACE THEREOF				22,827	24,909	
60 BENEFITS						
STRIKE OUT				26,407	25,036	
90 REHABILITATION SERVICES						
INSERT 14 PLACE THEREOF				34,451	33,669	
90 REHABILITATION SERVICES						
TOTAL				199,758	207,543	
06 EDUCATION						
03 DEPARTMENT OF EDUCATION						
05 DIVISION OF VOCATIONAL REHABILITATION						
04 SERVICES FOR THE BLIND						
03 VENDING STANDS						
INSERT						
22 RENT & LEASE OTHER THAN STATE				9,028	9,233	
STRIKE OUT				5,855	5,855	
28 TRANSFERS TO GENERAL SERVICES						
TOTAL				195,396	203,348	
ESTIMATED SOURCE OF FUNDS FOR						
VENDING STANDS						

		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
AMENDMENTS TO			
HBD300	PAGE 102 04/01/87		
06 EDUCATION 03 DEPARTMENT OF EDUCATION 05 DIVISION OF VOCATIONAL REHABILITATION 04 SERVICES FOR THE BLIND 03 VENDING STANDS (CONT.)			
STRIKE OUT			
BLIND SERVICE-WORKSHOP		153,778	159,977
INSERT IN PLACE THEREOF		156,316	162,680
STRIKE OUT			
GENERAL FUND		38,445	39,993
INSERT IN PLACE THEREOF		39,080	40,668
GENERAL FUND		193,396	203,348
TOTAL			
06 EDUCATION 03 DEPARTMENT OF EDUCATION 05 DIVISION OF VOCATIONAL REHABILITATION 04 SERVICES FOR THE BLIND 05 JMR NESMITH FUND ESTIMATED SOURCE OF FUNDS FOR			
STRIKE OUT			
JOHN NESMITH FUND		13,717	13,717
03 CLEARING ACCOUNT	I		
INSERT IN PLACE THEREOF		13,717	13,717
03 CLEARING ACCOUNT		13,717	13,717
TOTAL			
06 EDUCATION 03 DEPARTMENT OF EDUCATION 05 DIVISION OF VOCATIONAL REHABILITATION 04 SERVICES FOR THE BLIND 06 VENDING STANDS - SET ASIDE ESTIMATED SOURCE OF FUNDS FOR			
VENDING STANDS - SET ASIDE			
STRIKE OUT			
03 CLEARING ACCOUNT	I	32,000	32,000
INSERT IN PLACE THEREOF		32,000	32,000
03 CLEARING ACCOUNT		32,000	32,000
TOTAL			

AMENDMENTS TO	PAGE	103	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
06 EDUCATION 03 DEPARTMENT OF EDUCATION 05 DIVISION OF VOCATIONAL REHABILITATION 04 SERVICES FOR THE BLIND 06 VENDING STANDS - SET ASIDE (CONT.) (CONT.) (CONT.) (CONT.) (CONT.)						
TOTAL				981,054		1011,872
ESTIMATED SOURCE OF FUNDS FOR						
SERVICES FOR THE BLIND						
FEDERAL FUNDS				588,462		606,261
GENERAL FUNDS				346,875		399,694
OTHER FUNDS				45,717		5,917
TOTAL				981,054		1011,872
06 EDUCATION 03 DEPARTMENT OF EDUCATION 05 DIVISION OF VOCATIONAL REHABILITATION 05 DISABILITY DETERMINATION UNIT 01 DISABILITY DETERMINATION SERVICES INSERT 22 RENT & LEASE OTHER THAN STATE STRIKE OUT 28 TRANSFERS TO GENERAL SERVICES 96,489 46,155 2683,398 2571,418 2633,064 2683,398 2683,398						
TOTAL				2571,418		2683,398
ESTIMATED SOURCE OF FUNDS FOR						
DISABILITY DETERMINATION SERVICES						
STRIKE OUT						
041 VOC.REH.						
INSERT						
14 PLACE THEREOF						
041 VOC.REH.						
TOTAL						
06 EDUCATION 03 DEPARTMENT OF EDUCATION 05 DIVISION OF VOCATIONAL REHABILITATION 05 DISABILITY DETERMINATION UNIT 02 DISABILITY HEARINGS INSERT 22 RENT & LEASE OTHER THAN STATE 3,257 3,331						
TOTAL				3,257		3,331





AMENDMENTS TO  
HB0300  
PAGE 105 04/01/87

	FISCAL YEAR 1988	FISCAL YEAR 1989
1. Total	100.0	100.0
2. Federal Government	10.0	10.0
3. State Government	20.0	20.0
4. Local Government	70.0	70.0
5. Private	0.0	0.0
6. Other	0.0	0.0
7. Total	100.0	100.0
8. Federal Government	10.0	10.0
9. State Government	20.0	20.0
10. Local Government	70.0	70.0
11. Private	0.0	0.0
12. Other	0.0	0.0
13. Total	100.0	100.0
14. Federal Government	10.0	10.0
15. State Government	20.0	20.0
16. Local Government	70.0	70.0
17. Private	0.0	0.0
18. Other	0.0	0.0
19. Total	100.0	100.0
20. Federal Government	10.0	10.0
21. State Government	20.0	20.0
22. Local Government	70.0	70.0
23. Private	0.0	0.0
24. Other	0.0	0.0
25. Total	100.0	100.0
26. Federal Government	10.0	10.0
27. State Government	20.0	20.0
28. Local Government	70.0	70.0
29. Private	0.0	0.0
30. Other	0.0	0.0
31. Total	100.0	100.0
32. Federal Government	10.0	10.0
33. State Government	20.0	20.0
34. Local Government	70.0	70.0
35. Private	0.0	0.0
36. Other	0.0	0.0
37. Total	100.0	100.0
38. Federal Government	10.0	10.0
39. State Government	20.0	20.0
40. Local Government	70.0	70.0
41. Private	0.0	0.0
42. Other	0.0	0.0
43. Total	100.0	100.0
44. Federal Government	10.0	10.0
45. State Government	20.0	20.0
46. Local Government	70.0	70.0
47. Private	0.0	0.0
48. Other	0.0	0.0
49. Total	100.0	100.0
50. Federal Government	10.0	10.0
51. State Government	20.0	20.0
52. Local Government	70.0	70.0
53. Private	0.0	0.0
54. Other	0.0	0.0
55. Total	100.0	100.0
56. Federal Government	10.0	10.0
57. State Government	20.0	20.0
58. Local Government	70.0	70.0
59. Private	0.0	0.0
60. Other	0.0	0.0
61. Total	100.0	100.0
62. Federal Government	10.0	10.0
63. State Government	20.0	20.0
64. Local Government	70.0	70.0
65. Private	0.0	0.0
66. Other	0.0	0.0
67. Total	100.0	100.0
68. Federal Government	10.0	10.0
69. State Government	20.0	20.0
70. Local Government	70.0	70.0
71. Private	0.0	0.0
72. Other	0.0	0.0
73. Total	100.0	100.0
74. Federal Government	10.0	10.0
75. State Government	20.0	20.0
76. Local Government	70.0	70.0
77. Private	0.0	0.0
78. Other	0.0	0.0
79. Total	100.0	100.0
80. Federal Government	10.0	10.0
81. State Government	20.0	20.0
82. Local Government	70.0	70.0
83. Private	0.0	0.0
84. Other	0.0	0.0
85. Total	100.0	100.0
86. Federal Government	10.0	10.0
87. State Government	20.0	20.0
88. Local Government	70.0	70.0
89. Private	0.0	0.0
90. Other	0.0	0.0
91. Total	100.0	100.0
92. Federal Government	10.0	10.0
93. State Government	20.0	20.0
94. Local Government	70.0	70.0
95. Private	0.0	0.0
96. Other	0.0	0.0
97. Total	100.0	100.0
98. Federal Government	10.0	10.0
99. State Government	20.0	20.0
100. Local Government	70.0	70.0
101. Private	0.0	0.0
102. Other	0.0	0.0
103. Total	100.0	100.0
104. Federal Government	10.0	10.0
105. State Government	20.0	20.0
106. Local Government	70.0	70.0
107. Private	0.0	0.0
108. Other	0.0	0.0
109. Total	100.0	10

06 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
01 OFFICE OF THE COMMISSIONER  
01 ADMINISTRATION

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

INSERT IN PLACE THEREOF  
TO PERSONAL SERVICES - PERMANENT  
STRIKE OUT  
40 INDIRECT COSTS  
INSERT IN PLACE THEREOF  
40 INDIRECT COSTS  
STRIKE OUT  
60 BENEFITS  
INSERT IN PLACE THEREOF  
60 BENEFITS

84,984	339,116
35,689	42,463
36,656	43,992
77,246	92,780
81,005	98,035

TOTAL	ESTIMATED SOURCE OF FUNDS FOR
STRIKE OUT	ADMINISTRATION
INSERT	GENERAL FUND
IN PLACE THEREOF	GENERAL FUND
TOTAL	

[illegible]

TOTAL	ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER	GENERAL FUNDS	OTHER FUNDS	TOTAL
100.00	100.00	100.00	100.00	100.00

1391,221	1935,607
989,044	1533,430
402,177	402,177
391,221	1935,607

06 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
02 VOC-TECH COLLEGE MANCHESTER  
01 TECHNICAL EDUCATION DIVISION

STRIKE OUT  
10 PERSONAL SERVICES - PERMANENT  
INSERT IN PLACE THEREOF  
10 PERSONAL SERVICES - PERMANENT

1798,845	1842,820
1821,742	1868,334

AMENDMENTS TO	PAGE	106	04/J1/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.) (CONT.) (CONT.) (CONT.)					
06 EDUCATION					
04 DEPT OF POST SECONDARY VOC EDUCATION					
02 VOC TECH COLLEGE MANCHESTER					
01 TECHNICAL EDUCATION DIVISION					
STRIKE OUT					
00 INDIRECT COSTS		138,293		105,030	
INSERT IN PLACE THEREOF					
00 INDIRECT COSTS		139,530		166,663	
STRIKE OUT					
00 BENEFITS		390,389		419,229	
INSERT IN PLACE THEREOF					
00 BENEFITS		395,197		424,842	
TOTAL			2903,371		2919,952
ESTIMATED SOURCE OF FUNDS FOR					
TECHNICAL EDUCATION DIVISION					
STRIKE OUT					
GENERAL FUND		2342,631		2355,394	
INSERT IN PLACE THEREOF					
GENERAL FUND		2371,573		2388,154	
TOTAL			2903,371		2919,952
06 EDUCATION					
04 DEPT OF POST SECONDARY VOC EDUCATION					
02 VOC-TECH COLLEGE MANCHESTER					
03 VOCATIONAL TRAINING DIVISION					
STRIKE OUT					
TO PERSONAL SERVICES - PERMANENT		120,199		128,435	
INSERT IN PLACE THEREOF					
TO PERSONAL SERVICES - PERMANENT		122,137		130,738	
STRIKE OUT					
00 INDIRECT COSTS		35,889		42,480	
INSERT IN PLACE THEREOF					
00 INDIRECT COSTS		35,994		42,628	
STRIKE OUT					
00 BENEFITS		49,248		53,471	
INSERT IN PLACE THEREOF					
00 BENEFITS		49,655		53,977	
TOTAL			706,809		719,775

ANCHOR MEANS TO	PAGE	107	04/31/87		FISCAL YEAR 1988		FISCAL YEAR 1989
<p>06 EDUCATION  04 DEPT OF POST SECONDARY VOC EDUCATION  02 VOC-TECH COLLEGE MANCHESTER  03 VOCATIONAL TRAINING DIVISION</p>							
<p>(CONT.)  (CONT.)  (CONT.)  (CONT.)</p>							
<p>ESTIMATED SOURCE OF FUNDS FOR  VOCATIONAL TRAINING DIVISION</p>							
<p>STRIKE OUT</p>							
<p>07 EVENING/SUMMER SCHOOL</p>							
<p>INSERT IN PLACE THEREOF</p>							
<p>07 EVENING/SUMMER SCHOOL</p>							
<p>TOTAL</p>							
<p>TOTAL</p>							
<p>ESTIMATED SOURCE OF FUNDS FOR  VOC-TECH COLLEGE MANCHESTER</p>							
<p>FEDERAL FUNDS</p>							
<p>GENERAL FUNDS</p>							
<p>OTHER FUNDS</p>							
<p>TOTAL</p>							
<p>06 EDUCATION</p>							
<p>04 DEPT OF POST SECONDARY VOC EDUCATION</p>							
<p>03 VOC-TECH COLLEGE STRATHAM</p>							
<p>01 TECHNICAL EDUCATION DIVISION</p>							
<p>STRIKE OUT</p>							
<p>10 PERSONAL SERVICES - PERMANENT</p>							
<p>INSERT IN PLACE THEREOF</p>							
<p>10 PERSONAL SERVICES - PERMANENT</p>							
<p>STRIKE OUT</p>							
<p>40 INDIRECT COSTS</p>							
<p>INSERT IN PLACE THEREOF</p>							
<p>40 INDIRECT COSTS</p>							
<p>STRIKE OUT</p>							
<p>60 BENEFITS</p>							
<p>INSERT IN PLACE THEREOF</p>							
<p>60 BENEFITS</p>							
<p>TOTAL</p>							
<p>ESTIMATED SOURCE OF FUNDS FOR  TECHNICAL EDUCATION DIVISION</p>							
<p>988,174</p>							
<p>1052,682</p>							
<p>73,587</p>							
<p>77,071</p>							
<p>220,730</p>							
<p>234,276</p>							
<p>1027,979</p>							
<p>1095,664</p>							
<p>75,420</p>							
<p>79,752</p>							
<p>240,410</p>							
<p>255,300</p>							
<p>1725,355</p>							
<p>1794,032</p>							
<p>3962,306</p>							
<p>3992,253</p>							
<p>195,201</p>							
<p>2380,817</p>							
<p>1386,288</p>							
<p>3962,306</p>							
<p>105,201</p>							
<p>2380,817</p>							
<p>1386,288</p>							
<p>3992,253</p>							

AMENDMENTS TO	PAGE	105 04/11/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300				
06 EDUCATION				
04 DEPT OF POST SECONDARY VOC EDUCATION				
03 VOC-TECH COLLEGE STRATHAM				
01 TECHNICAL EDUCATION DIVISION				
		(CONT.)		
		(CONT.)		
		(CONT.)		
STRIKE OUT				
GENERAL FUND			1264,360	1327,668
INSERT IN PLACE THEREOF			1345,898	1414,575
GENERAL FUND			1725,355	1794,032
TOTAL				
06 EDUCATION				
04 DEPT OF POST SECONDARY VOC EDUCATION				
03 VOC-TECH COLLEGE STRATHAM				
02 VOCATIONAL TRAINING DIVISION				
STRIKE OUT				
10 PERSONAL SERVICES - PERMANENT		144,834		149,616
INSERT IN PLACE THEREOF				
10 PERSONAL SERVICES - PERMANENT		145,914		155,490
STRIKE OUT				
40 INDIRECT COSTS		29,927		39,475
INSERT IN PLACE THEREOF				
40 INDIRECT COSTS		29,986		39,851
STRIKE OUT				
60 BENEFITS		50,721		54,244
INSERT IN PLACE THEREOF				
60 BENEFITS		50,948		55,536
TOTAL			657,067	681,912
ESTIMATED SOURCE OF FUNDS FOR				
VOCATIONAL TRAINING DIVISION				
STRIKE OUT				
07 EVENING/SUMMER SCHOOL			655,701	674,370
INSERT IN PLACE THEREOF				
07 EVENING/SUMMER SCHOOL			657,067	681,912
TOTAL			657,067	681,912
TOTAL			2520,482	2614,004
ESTIMATED SOURCE OF FUNDS FOR				
VOC-TECH COLLEGE STRATHAM				

AMENDMENTS TO	PAGE	109	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300						
(CONT.)						
(CONT.)						
(CONT.)						
06 EDUCATION						
04 DEPT OF POST SECONDARY VOC EDUCATION						
03 VOC-TECH COLLEGE STRATHAM						
FEDERAL FUNDS					106,295	106,295
GENERAL FUNDS					1332,838	1,271,515
OTHER FUNDS					1061,349	1,086,194
TOTAL					2320,482	2,814,004
06 EDUCATION						
04 DEPT OF POST SECONDARY VOC EDUCATION						
04 N H TECHNICAL INSTITUTE						
01 TECHNICAL EDUCATION DIVISION						
STRIKE OJT				3652,825	3808,051	
INSERT IN PLACE THEREOF						
STRIKE OJT				3736,960	3896,594	
INSERT IN PLACE THEREOF						
STRIKE OJT				285,016	345,264	
INSERT IN PLACE THEREOF						
STRIKE OJT				289,560	350,918	
INSERT IN PLACE THEREOF						
STRIKE OJT				780,311	852,046	
INSERT IN PLACE THEREOF						
STRIKE OJT				797,979	871,481	
INSERT IN PLACE THEREOF						
TOTAL				6019,188		6229,553
ESTIMATED SOURCE OF FUNDS FOR						
TECHNICAL EDUCATION DIVISION						
STRIKE OJT						
GENERAL FUND				4,599,916		4794,026
INSERT IN PLACE THEREOF						
GENERAL FUND				4706,263		4907,458
TOTAL				6019,188		6229,553
06 EDUCATION						
04 DEPT OF POST SECONDARY VOC EDUCATION						
04 N H TECHNICAL INSTITUTE						
11 VOCATIONAL TRAINING DIVISION						
STRIKE OJT				75,184		79,716
10 PERSONAL SERVICES - PERMANENT						

AMENDMENTS TO		PAGE		110		04/01/87		----- FISCAL YEAR 1988 -----		----- FISCAL YEAR 1989 -----	
06 EDUCATION 04 DEPT OF POST SECONDARY VOC EDUCATION 04 N H TECHNICAL INSTITUTE 11 VOCATIONAL TRAINING DIVISION (CONT.)											
INSERT IN PLACE THEREOF 10 PERSONAL SERVICES - PERMANENT STRIKE OUT 60 BENEFITS 75,781 80,713											
INSERT IN PLACE THEREOF 60 BENEFITS 39,303 42,199											
INSERT IN PLACE THEREOF 60 BENEFITS 39,428 42,418											
TOTAL 567,207 587,581											
ESTIMATED SOURCE OF FUNDS FOR VOCATIONAL TRAINING DIVISION STRIKE OUT 07 EVENINGSUMMER SCHOOL 566,485 586,365											
INSERT IN PLACE THEREOF 07 EVENINGSUMMER SCHOOL 567,207 587,581											
TOTAL 567,207 587,581											
TOTAL 7353,369 7541,035											
ESTIMATED SOURCE OF FUNDS FOR N H TECHNICAL INSTITUTE FEDERAL FUNDS 347,684 368,868											
GENERAL FUNDS 4836,688 4990,366											
OTHER FUNDS 218,997 201,759											
TOTAL 7353,369 7541,035											
06 EDUCATION 04 DEPT OF POST SECONDARY VOC EDUCATION 05 VOC-TECH COLLEGE BERLIN 01 TECHNICAL EDUCATION DIVISION											
STRIKE OUT 10 PERSONAL SERVICES - PERMANENT 1263,720 1306,926											
INSERT IN PLACE THEREOF 10 PERSONAL SERVICES - PERMANENT 1263,633 1307,196											
STRIKE OUT 60 BENEFITS 278,132 301,446											
INSERT IN PLACE THEREOF 60 BENEFITS 278,114 301,505											





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----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

06 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
06 VOC-TECH COLLEGE LACONIA  
01 TECHNICAL EDUCATION DIVISION  
(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR TECHNICAL EDUCATION DIVISION			
STRIKE OUT			
GENERAL FUND	1213,686	1232,874	
INSERT IN PLACE THEREOF	1245,776	1266,951	
GENERAL FUND	1498,581	1519,756	
TOTAL			2218,851
TOTAL	2099,266		
ESTIMATED SOURCE OF FUNDS FOR VOC-TECH COLLEGE LACONIA			
FEDERAL FUNDS	104,379		106,436
GENERAL FUNDS	1256,744		1278,163
OTHER FUNDS	738,143		834,252
TOTAL	2099,266		2218,851

06 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
07 VOC-TECH COLLEGE CLAREMONT  
01 TECHNICAL EDUCATION DIVISION

STRIKE OUT			
10 PERSONAL SERVICES - PERMANENT	1214,839	1250,881	
INSERT IN PLACE THEREOF	1282,655	1321,128	
STRIKE OUT			
60 PERSONAL SERVICES - PERMANENT	94,712	111,475	
INSERT IN PLACE THEREOF	98,375	115,971	
STRIKE OUT			
60 INDIRECT COSTS	269,508	289,903	
INSERT IN PLACE THEREOF	283,750	305,357	
TOTAL	2028,924		2064,588
ESTIMATED SOURCE OF FUNDS FOR TECHNICAL EDUCATION DIVISION			

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H0300								
06 EDUCATION								
04 DEPT OF POST SECONDARY VOC EDUCATION								
07 VOC-TECH COLLEGE CLAREMONT								
01 TECHNICAL EDUCATION DIVISION								
(CONT.)								
(CONT.)								
(CONT.)								
(CONT.)								
STRIKE OUT								
GENERAL FUND						1604,697		1635,885
INSERT IN PLACE THEREOF						1690,418		1726,082
GENERAL FUND						2028,924		2064,588
TOTAL								
TOTAL						2372,453		2413,742
ESTIMATED SOURCE OF FUNDS FOR								
VOC-TECH COLLEGE CLAREMONT								
FEDERAL FUNDS						127,580		127,580
GENERAL FUNDS						1756,329		1755,659
OTHER FUNDS						488,344		490,503
TOTAL						2372,453		2413,742
06 EDUCATION								
04 DEPT OF POST SECONDARY VOC EDUCATION								
08 VOC-TECH COLLEGE NASHUA								
01 TECHNICAL EDUCATION DIVISION								
STRIKE OUT								
TO PERSONAL SERVICES - PERMANENT						1230,213		1294,496
INSERT IN PLACE THEREOF						1252,902		1314,239
TO PERSONAL SERVICES - PERMANENT								
STRIKE OUT						101,389		117,543
TO INDIRECT COSTS								
INSERT IN PLACE THEREOF						102,615		118,807
TO INDIRECT COSTS								
STRIKE OUT						270,410		297,809
TO BENEFITS								
INSERT IN PLACE THEREOF						275,175		302,152
TO BENEFITS								
TOTAL						2154,656		2192,594
ESTIMATED SOURCE OF FUNDS FOR								
TECHNICAL EDUCATION DIVISION								
STRIKE OUT								
GENERAL FUND						1746,327		1807,585

AMENDMENTS, HBO SOC	PAGE	114	04/01/87	----- FISCAL YEAR 1989 -----
(CONT.)				
(CONT.)				
(CONT.)				
(CONT.)				
06 EDUCATION				
04 DEPT OF POST SECONDARY VOC EDUCATION				
08 VOC-TECH COLLEGE NASHUA				
01 TECHNICAL EDUCATION DIVISION				
INSERT IN PLACE THEREOF				
GENERAL FUND		1775,007		1832,935
TOTAL		2134,656		2192,594
TOTAL			3021,717	3079,655
ESTIMATED SOURCE OF FUNDS FOR				
VOC-TECH COLLEGE NASHUA				
FEDERAL FUNDS			119,800	119,800
GENERAL FUNDS			1783,107	1841,035
OTHER FUNDS			1118,810	1118,820
TOTAL			3021,717	3079,655
06 EDUCATION				
04 DEPT OF POST SECONDARY VOC EDUCATION				
09 POLICE STNDS. & TRAINING COUNCIL				
01 ADMINISTRATION & STANDARDS				
ESTIMATED SOURCE OF FUNDS FOR				
ADMINISTRATION & STANDARDS				
STRIKE OUT				
09 PENALTY ASSESSMENT		579,963		548,499
INSERT IN PLACE THEREOF				
09 PENALTY ASSESSMENT		579,963		548,499
TOTAL		579,963		548,499
06 EDUCATION				
04 DEPT OF POST SECONDARY VOC EDUCATION				
09 POLICE STNDS. & TRAINING COUNCIL				
02 TRAINING				
ESTIMATED SOURCE OF FUNDS FOR				
TRAINING				
STRIKE OUT				
09 PENALTY ASSESSMENT		582,833		552,981
INSERT IN PLACE THEREOF				
09 PENALTY ASSESSMENT		582,833		552,981

AMENDMENTS TO	PAGE	115	04/01/87		----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
H80300						
(CONT.)						
(CONT.)						
(CONT.)						
(CONT.)						
06 EDUCATION						
04 DEPT OF POST SECONDARY VOC EDUCATION						
09 POLICE STNDS. & TRAINING COUNCIL						
02 TRAINING						
TOTAL				582,833		552,981
06 EDUCATION						
04 DEPT OF POST SECONDARY VOC EDUCATION						
09 POLICE STNDS. & TRAINING COUNCIL						
03 CORRECTIONS						
ESTIMATED SOURCE OF FUNDS FOR						
CORRECTIONS						
STRIKE OUT						
09 PENALTY ASSESSMENT				94,764		99,033
INSERT IN PLACE THEREOF						
09 PENALTY ASSESSMENT				94,764		99,033
TOTAL				94,764		99,033
TOTAL				1257,560		1200,513
ESTIMATED SOURCE OF FUNDS FOR						
POLICE STNDS. & TRAINING COUNCIL						
OTHER FUNDS						
TOTAL				1257,560		1200,513
TOTAL				1257,560		1200,513
ESTIMATED SOURCE OF FUNDS FOR						
DEPT OF POST SECONDARY VOC EDUCATION						
FEDERAL FUNDS						
GENERAL FUNDS						
OTHER FUNDS				26645,595		27734,598
TOTAL				26645,595		27734,598
06 EDUCATION						
05 N.H. SHEEPSTAKES COMMISSION						
01 LOTTERY DIVISION						
ESTIMATED SOURCE OF FUNDS FOR						
LOTTERY DIVISION						

AMENDMENTS TO	PAGE	116 06/01/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.)				
(CONT.)				
(CONT.)				
06 EDUCATION				
05 N.H. SHEEPSTAKES COMMISSION				
01 LOTTERY DIVISION				
STRIKE OUT				
09 LOTTERY REVENUE		2974,789		2878,168
INSERT IN PLACE THEREOF				
09 LOTTERY REVENUE		2974,789		2878,168
TOTAL				
06 EDUCATION				
05 N.H. SHEEPSTAKES COMMISSION				
02 BINGO LUCKY 7				
ESTIMATED SOURCE OF FUNDS FOR				
BINGO LUCKY 7				
STRIKE OUT				
09 BINGO LUCKY 7 REVENUE		104,786		108,219
INSERT IN PLACE THEREOF				
09 BINGO LUCKY 7 REVENUE		104,786		108,219
TOTAL				
TOTAL		3079,575		2986,387
ESTIMATED SOURCE OF FUNDS FOR				
N.H. SHEEPSTAKES COMMISSION				
OTHER FUNDS				
TOTAL		3079,575		2986,387
06 EDUCATION				
06 HIGHER EDUCATION FUND				
09 UNH COOP EXTENSION SERVICE				
STRIKE OUT				
90 UNH COOP EXTENSION SERVICE		2423,000		2474,000
INSERT IN PLACE THEREOF				
90 UNH COOP EXTENSION SERVICE		2499,000		2550,000
TOTAL		2499,000		2550,000



AMENDMENTS TO HB0300	PAGE	117	04/01/87		FISCAL YEAR 1988	FISCAL YEAR 1989
06 EDUCATION 06 HIGHER EDUCATION FUND 09 UNH COOP EXTENSION SERVICE				(CONT.) (CONT.) (CONT.)		
ESTIMATED SOURCE OF FUNDS FOR UNH COOP EXTENSION SERVICE						
STRIKE OUT					1191,000	1300,000
GENERAL FUND					1267,000	1376,000
INSERT IN PLACE THEREOF					2499,000	2550,000
GENERAL FUND						
TOTAL						
06 EDUCATION 06 HIGHER EDUCATION FUND 11 EXTENSION WORK IN COUNTIES						
STRIKE OUT						
90 EXTENSION WORK IN COUNTIES					1526,000	1629,000
INSERT IN PLACE THEREOF					1640,000	1743,000
90 EXTENSION WORK IN COUNTIES						
TOTAL					1640,000	1743,000
ESTIMATED SOURCE OF FUNDS FOR EXTENSION WORK IN COUNTIES						
STRIKE OUT					382,000	443,000
GENERAL FUND					496,000	557,000
INSERT IN PLACE THEREOF					1640,000	1743,000
GENERAL FUND						
TOTAL					198693,000	209282,000
ESTIMATED SOURCE OF FUNDS FOR HIGHER EDUCATION FUND						
FEDERAL FUNDS					50,000	50,000
GENERAL FUNDS					48690,000	53690,000
OTHER FUNDS					149953,000	155542,000
TOTAL					198693,000	209282,000
TOTAL					335952,202	349089,318

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06 EDUCATION (CONT.)

ESTIMATED SOURCE OF FUNDS FOR  
EDUCATION  
FEDERAL FUNDS  
GENERAL FUNDS  
OTHER FUNDS  
TOTAL

46494,077	47970,007
107153,957	110862,366
182304,168	190356,985
335952,202	349089,318

STATE SUMMARY

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
FEDERAL FUNDS  
GENERAL FUNDS  
HIGHWAY FUNDS  
FISH AND GAME  
OTHER FUNDS

1343391,248	1377759,537
319540,763	305991,031
358420,407	586511,066
144689,847	148035,297
4901,296	5363,667
315839,135	331808,498

Amendment to HB 300-A

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Amend the bill by deleting paragraphs H and I of section 1.07, Budget Footnotes; General.

Amend the bill by replacing all after section 1 with the following:

#### GENERAL SECTIONS

2 General Fund and Total Appropriation Limits. The amount included in PAU 06,06 (higher education fund) under estimated source of funds from general fund shall be the total appropriation from general funds for such PAU that may be expended for the purpose of section 1 of this act. Any funds received by said agency from any other source than general funds in excess of the estimate of funds from other than general funds are hereby appropriated for the use of the agency and may be expended by it whether or not this will result in an appropriation and expenditure by the agency in excess of the total appropriation therefor. (GB2, HB 2, HA 2)

#### 3 Fish and Game Department.

I. The comptroller, in a form acceptable to him, shall require the executive director of the fish and game department to prepare a listing of all claims against available federal funds allocated to the fish and game department as of June 30, 1987, to be submitted to the comptroller no later than July 10, 1987. All claims listed shall be reviewed by the department

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of administrative services and compared to the records maintained at the fish and game department to insure that all direct and applicable indirect federal participating expenditures through June 30, 1987, have been included. All federal project records shall be completely up to date at all times, and billings for federal reimbursements shall be made on a timely basis. A federal project status report, as prescribed by the comptroller, shall be submitted quarterly -- on October 10, January 10, April 10 -- to the department of administrative services for review. The comptroller shall report his findings and recommendations as to the status of the federal funds and related appropriations to the fiscal committee of the general court within 40 days after the close of each quarter.

II. Prior to closing the state accounts for each fiscal year, the comptroller shall adjust for federal revenue in the fish and game fund. All unrecorded prior year reimbursements from federal funds shall be deposited into the fish and game fund. (GB3, HB 3, HA 3)

4 Emergency Appropriations for Motor Vehicle Replacement.

I. It is hereby declared to be the intent of the general court that the appropriations made by section 1 of this act shall be sufficient to meet the requirements of each department, institution, board, commission, or other agency for motor vehicles of a gross vehicle weight of 3 tons or less or replacements thereof. In the event, however, that any department, institution, board, commission, or other agency, after consultation with the director of plant and property management and the fiscal committee, finds that the cost of repair to any such motor vehicle is prohibitive and that it would cause an extreme hardship for said department, institution,

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board, commission, or other agency to operate without such motor vehicle, the chief executive of said department, institution, board, commission, or other agency shall request the governor with the approval of the council for authority to expend the sums needed for a replacement vehicle. For the purposes of this section, each replacement vehicle shall be a subcompact front wheel drive vehicle unless the fiscal committee determines upon application of the department, institution, board, commission, or other agency that there is a clear and convincing need to replace such a vehicle with some other type of vehicle. There is hereby appropriated for said purpose the sum of \$200,000 for the biennium ending June 30, 1989. The sums appropriated shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrants for said sums, which shall be a charge against the general fund.

II. For the fiscal years ending June 30, 1988, and June 30, 1989, the governor is authorized to draw his warrants for any authorized replacement requested by a special fund agency, which shall be a charge against the appropriate fund.

III. The provisions of this section requiring each replacement vehicle to be a compact or subcompact vehicle shall not apply to the department of safety law enforcement traffic control vehicles. (GB5, HB 5, HA 4)

5 Parks Division. For the biennium ending June 30, 1989, the commissioner of resources and economic development may, with the prior approval of the fiscal committee and with the approval of the governor and council, utilize so much as may be necessary of the projected revenue in

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excess of \$5,400,000 for each fiscal year to effectively operate the parks division and insure the maximization of revenue. Actual revenue received in excess of \$5,400,000 parks income each year adjusted by amounts appropriated in other sections of the biennial budget act, and such funds as may be utilized in accordance with the foregoing provisions, shall be carried over to the following year for the purpose of maintenance projects within the parks system in an amount not to exceed \$250,000 per year. Funds may be used only with the prior approval of the fiscal committee and with the approval of the governor and council for necessary maintenance projects. The division of parks with the approval of the commissioner, department of resources and economic development, may provide for differentials in rates on a case by case basis in a particular day or limited period when the quality of the facility is substantially reduced due to such natural causes as poor snow, ice conditions, cold, rain, or other environmental or equipment problems or for the purpose of cooperative marketing or market experimentation. (GB6, HB 6, HA 5)

6 Department of Postsecondary Vocational-Technical Education. It is the intent of the general court that the department of postsecondary vocational-technical education be thoroughly responsive to the needs of business and industry in providing needed technical education and vocational training in the most cost effective, efficient, and timely manner possible.

I. For the biennium ending June 30, 1989, the commissioner of the department of post-secondary vocational-technical education is hereby authorized to:



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(a) Receive for disbursement, with the prior approval of the governor and council, any actual excess over the estimate of income received from students enrolled in the vocational training division which shall be used only for the administration and operation of the programs offered by said division.

(b) Receive for disbursement, with the prior approval of the governor and council, any actual excess over the estimate in the income received from students enrolled in the technical-education division which shall be used only in connection with current operating expenses in said division.

(c) Receive for disbursement any federal financial or other aid made available by the federal government as authorized by RSA 188-F:20 as amended.

(d) Accept and expend any recovery made of the matching share of the work-study program in order to earn additional federal funds.

(e) Upon approval of the board of governors as provided by RSA 188-F:14, transfer funds between and among line items within the department which have the same funding source or funding mix. By October 1 and quarterly thereafter the department shall submit a report to the fiscal committee detailing all transfers made the prior quarter and the reasons for them.

(f) Upon prior approval of the board of governors and the fiscal committee, transfer or eliminate instructional programs as student, business, and geographic area needs change, as well as transfer such associated personnel, equipment, and instructional appropriations between

## Amendment to HB 300-A

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and among the several functional units within the department in order to provide the necessary flexibility to enable the department to respond rapidly to changing needs for technical education and training in the market place.

11. Revenue received in excess of the legislative estimates in the technical education and vocational training divisions of the New Hampshire technical institute and the vocational-technical colleges, as well as net unexpended general fund appropriation balances at the close of the fiscal year, shall be placed in a continuing non-lapsing account. Funds in said account may be used only with the prior approval of the fiscal committee and with the approval of the governor and council in order to establish and/or enhance program offerings that will meet the needs of both the student and business and industry with the greatest degree of effectiveness and responsiveness. In the event that the legislative revenue estimates are not met for any fiscal year, then effective July 1 of the ensuing fiscal year, the commissioner shall notify the bureau of accounts as to which line item appropriations, in which functional units and the specific amounts to be reduced in order to compensate completely for the prior fiscal year's revenue deficit or utilize such funds as may be available in the continuing non-lapsing account to satisfy all or a portion of such deficit. (CB7, HB 7\*, HA 6)

7 Assignment of Office Space. If during the biennium ending June 30, 1989, because of program reductions, consolidations, or any other reason, office space becomes available in the health and human services complex, the Hayes building, or any other state building, except office space under

## Amendment to HB 300-A

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the control of the legislature pursuant to RSA 14:14-b, the commissioner of administrative services shall, with the prior approval of the fiscal committee, and with the approval of the governor and council, require that any agency renting private space be required to occupy such available space in said building or buildings forthwith. Such funds as have been allotted or committed by any agency affected by this section for outside rental shall be transferred by the comptroller to the bureau of general services, PAU 01,04,05,05,01 for the maintenance of state buildings. (GB8, HB 8, HA 7)

8 Teacher Certification. For the biennium ending June 30, 1989, the state board of education is hereby authorized to expend, in accordance with RSA 186:11, X, any existing balance and any funds which may become available during the biennium in PAU 06,03,04,04,01. Such expenditures, to be made as necessary for the efficient operation of said office, shall not require the expenditure of state general funds and, further, shall be subject to the prior approval of the fiscal committee and the approval of the governor and council. (GB9, HB 9, HA 8\*)

9 Sweepstakes Commission; Authority Granted. For the biennium ending June 30, 1989, in order to provide sufficient funding to the sweepstakes commission to carry out sweepstakes programs that will provide funds for distribution in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new sweepstakes programs or for the purchase of any tickets for new or continuing games. The commission is authorized to transfer up to \$25,000 per quarter for any sweepstakes current expense item upon subsequent

## Amendment to HB 300-A

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notification within 10 days to the fiscal committee and the governor and council citing the reasons and justification therefor. Additionally, no expenditures shall be contracted without prior approval by the fiscal committee. If approval of any such new program, purchase of tickets or consulting services is given, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special account. The total of such transfers shall not exceed \$2,000,000 for the biennium ending June 30, 1989. (GB 10, HB 10\*, HA 9)

10 Positions Abolished. The following positions in the below listed components and sub-components are abolished forthwith effective at the close of business on June 30, 1987, or later as specifically indicated:

<u>Budget Number</u>	<u>Position Numbers</u>
02-13-04-02	13962, 30466, 30481, 13943, 13982, 13989, 14047, 14064, 14084, 14090, 14092, 14102, 14110, 14120, 14143, 14192, 14226, 30465, 30471, 30479, 30482, 30498, 30500.
03-01-03-01-00	13920.
04-01 03-06-00	17203, 17209, 17210, 17211, 17213, 21300, 21457, 21564, 21775.
04-01-03-05-00	17224, 17244, 17245, 21439.
05-02-02-02-03	14677, 30560, 14834, 14730.
05-02-05-01-02	15362.
05-02-05-01-07	15234, 30697, 30717, 30719, 30721, 15186.
05-02-05-01-03	15132, 15200, 15221, 30720.

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05-02-05-03-02      Positions to be abolished at close of business  
June 30, 1988: 15484, 15477, 15450, 15528, 30796,  
17167, 15511, 15482.

Positions to be abolished at close of business  
June 30, 1989: 15485, 15508, 15500.

05-02-05-03-03      Positions to be abolished at close of business  
June 30, 1988: 15490, 15499, 17158, 15458, 15527,  
15465, 15268, 30785, 15033, 15043, 15047, 15047,  
15087, 15135, 15178, 15284, 15298, 15353, 15376,  
15040, 15216, 15267, 15277, 15288, 30639, 15170,  
15247, 15142, 15163, 15442, 15172, 30730, 30740,  
30780, 15359, 15408, 15004, 15055, 15072, 15074,  
15187, 15249, 15264, 15301, 15323, 15366, 30659,  
15021, 15035, 15048, 15060, 15094, 15114, 15122,  
15137, 15188, 15189, 15207, 15214, 15237, 15259,  
15285, 15287, 15358, 15564, 30604, 30609, 30661,  
30682, 30691, 30693, 30708, 30722, 15071, 15233,  
15290, 15386, 15432, 15613, 15332, 15347, 15388,  
30662, 15219, 15311, 15365, 15405, 15295, 15349,  
15614, 15073, 15518, 15061, 15159, 15027, 15016,  
15166, 15407, 15443, 15563, 9u237, 9u238, 9u239,  
9u240, 15385, 15444, 15129, 15303, 15463, 15300,  
15304, 15063, 15158, 15229, 15354, 30687, 15434,  
15279, 15076, 15404, 15068, 15240, 15399, 15067,  
15438, 15315, 15269, 15329, 15083, 15177, 15253,

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15416, 15381, 15321, 30729, 15050, 15334, 15092,  
15182, 15263, 15435, 15446, 15280, 30648, 15143,  
30784, 15130, 15199, 15313, 15591, 15013, 30620,  
15204, 15242, 15039, 15149, 15206, 15343, 30611,  
15046, 15379, 30755, 15299, 15387, 15151, 15220,  
15350, 30612, 15383, 15205, 15571.

Positions to be abolished at close of business  
June 30, 1989: 15015, 15058, 15257, 15136, 15320,  
15355, 15191, 15294, 15215, 30725, 15193, 15552,  
15373, 15183, 15217, 30606, 15328, 15141, 15224,  
30686, 15112, 15411, 15227, 30709, 30703, 15070,  
15250, 15025, 15309, 15081, 15255, 15213, 30700,  
15157, 15260, 15419, 15390, 15180, 15275, 15133.

05-02-05-03-01

Positions to be abolished at close of business  
June 30, 1988: 15484, 15477, 15533.

Positions to be abolished at close of business  
June 30, 1989: 15508, 15500.

05-02-05-03-04

Positions to be abolished at close of business  
June 30, 1988: 15548, 15580, 15593, 15599, 15625,  
15640, 15655, 15633, 15650, 15684, 15659, 15639,  
15546, 15557, 15584, 15674, 15643, 15672, 15683,  
15578, 15592, 15608, 15610, 15621, 15644, 15667,  
15681, 15685, 30765.

Positions to be abolished at close of business  
June 30, 1989: 15622, 15648, 15556, 15618, 15682,  
30766.



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05-02-05-03-05 Positions to be abolished at close of business  
June 30, 1988: 17169, 17170, 15603, 15601, 15653,  
15652, 15686, 15590.

05-02-05-03-06 Positions to be abolished at close of business  
June 30, 1988: 30592, 15609, 15668, 15645, 15634,  
9u241, 9u242, 9u243, 9u244.

05-02-04-04-05 12293, 12339, 12434, 30326, 12473, 12320, 12414.

06-01-02-00-00 30412.

06-03-03-01-03 30371.

06-03-04-01-06 16936.

06-03-04-01-04 13186.

06-03-05-05-01 30397, 30404, 30400, 30396, 30403, 30399, 30389,  
30401, 30398, 30385, 30384, 30380, 30369.

06-04-07-01-00 13658.

06-04-08-01-00 17016, 13711, 13710, 13701.

## Workers Rehab. Program

- Not Budgeted: 13253, 30390, 30393, 30392.

## Special Education - Teacher Training

- Not Budgeted: 16949.

(GB11, HB11\*, HA 10)

11 Attorney General; Special Provision. For the biennium ending June 30, 1989, filing fees received by the attorney general pursuant to RSA 7:28-a shall be deposited with the state treasurer as restricted revenue; and any excess of such revenue over the amounts appropriated for the

Amendment to HB 300-A

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division of charitable trusts shall lapse to the unappropriated surplus of the general fund. Expenditures from this fund shall not be made except by appropriation by the general court. (GB13, HB 13, HA 11)

12 Appropriation of Unrestricted Motor Vehicle Revenue. All sums received by the division of motor vehicles or the division of state police, department of safety, from any source, which are not derived from registration fees, drivers' licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels, including revenue received from fines and forfeitures assessed against any violator of any law of the state or of any political subdivision thereof relative to the use and operation of motor vehicles, whether the violator is apprehended or prosecuted by an employee of the state or any political subdivision thereof, shall be paid to the state treasurer and shall, for the biennium ending June 30, 1989, be available for expenditure as unrestricted general fund revenues of the state. (GB14, HB 14, HA 12)

13 Appropriation; Negative Balances. There is hereby appropriated to the department of administrative services in addition to any other sums appropriated for the fiscal year ending June 30, 1988, the sum of \$447,802.69 from the general funds of the state and \$13,186.03 from fish and game funds for the sole purpose of satisfying negative balances due to federal audit exceptions and non-recoverable items which have developed over the past several years in the following listed accounts:

010-002-1203	\$	53.95	010-046-5745	\$	7,841.03
010-002-1204		21,770.93	010-046-5747		121.54

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010-002-4030	5,124.95	010-046-5748	143.60
010-002-7704	295,689.75	010-046-7040	914.93
010-026-6230	322.21	010-046-7090	418.04
010-026-7010	1,252.53	010-046-7091	.09
010-040-7406	2,284.00	010-046-7092	15.44
010-081-2842	2,079.63	010-046-7108	11.03
020-075-2307	13,186.03	010-046-7134	633.09
010-020-2443	4,619.04	010-046-7135	19.12
010-088-2745	2,224.29	010-046-7136	51.49
025-088-8034	1,046.88	010-046-8253	1,262.43
010-090-4519	824.50	010-046-8281	.30
010-090-5114	238.00	010-046-8282	5.78
025-090-4532	150.00	010-046-8283	79.14
025-090-5520	493.03	010-046-8285	22.21
025-090-5553	31,745.41	010-046-8286	1,312.22
010-090-5140	25,615.00	010-046-8287	2,399.06
010-036-3854	45.32	010-033-3800	25,050.00
010-012-2233	11,922.73	(GB16, HB 16, HA 13)	

## 14 Department of Corrections.

I. The department of corrections is budgeted based on a projected prisoner population of 825 in fiscal year 1988 and 900 in fiscal year 1989. In the event that the total resident prisoner population exceeds 875 during fiscal year 1988 or exceeds 950 in fiscal year 1989 the commissioner of corrections may request, with prior approval of the fiscal committee, that the governor and council authorize additional incremental funding per

## Amendment to HB 300-A

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additional prisoner for the balance of the fiscal year based on an annual per capita cost of \$9,000 in order to provide for the safe and humane operation of the state prison.

II. In the event that a female offender facility is established, the commissioner of corrections may request, with prior approval of the fiscal committee, that the governor and council authorize funding to provide for the safe and humane operation of the female facility.

III. The governor is authorized to draw the warrant for such sums as may be required in paragraph I and II from any money in the treasury not otherwise appropriated. (GB17, HB 17, HA 14)

## 15 Bond Issue Authorized.

I. To provide funds for the purpose of construction and reconstruction of highways, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$15,000,000 for the biennium ending June 30, 1989, and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on bonds or notes issued under this section shall be a charge on the highway fund. The moneys provided in this section shall be a continuing appropriation and shall not lapse.

II. The bond authorization in paragraph I shall not become effective during the biennium unless the legislative estimate of highway fund unrestricted revenues, as determined by the advisory budget control committee, is less than the estimate of highway fund unrestricted revenues contained in this act. (GB18, HB 18\*, HA 15)

## Amendment to HB 300-A

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16 Department of Education. The funds remaining in PAU 06-03-02-03 special initiatives programs 1985 Chapter 406 shall not lapse until June 30, 1989. (GB20, HB 20, HA 16)

## 17 Estimates of Unrestricted Revenue.

GENERAL FUND	1988	1989
Beer	12,400,000	12,800,000
Board & Care	16,700,000	16,500,000
Business Profits Tax	142,000,000	145,000,000
Estate & Legacy Taxes	17,000,000	17,000,000
Insurance	33,000,000	34,800,000
Interest & Dividends Tax	27,600,000	28,500,000
Liquor	47,000,000	47,000,000
Meals and Rooms Taxes	76,000,000	83,000,000
Parks Income	5,400,000	5,400,000
Dog Racing	8,190,000	8,190,000
Horse Racing	1,010,000	1,510,000
Real Estate Transfer Tax	48,000,000	50,000,000
Telephone	8,000,000	8,000,000
Tobacco	31,000,000	30,000,000
Utilities	6,700,000	6,900,000
Other	30,420,000	31,620,000
Courts	19,900,000	21,000,000
Savings Bank Tax	8,500,000	8,800,000
Total	538,820,000	556,020,000
HIGHWAY FUND	1988	1989

## Amendment to HB 300-A

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Gasoline Road Toll	81,800,000	85,100,000
Motor Vehicle Fees	46,500,000	48,000,000
Miscellaneous	3,000,000	3,000,000
Total	131,300,000	136,100,000
FISH AND GAME FUND	1988	1989
Fish and Game Licenses	4,200,000	4,400,000
Fines and Penalties	50,000	60,000
Miscellaneous Sales	120,000	120,000
Indirect Costs	150,000	160,000
Total	4,520,000	4,740,000

(GB21, HB 21\*, HA 17\*)

18 Fish and Game Equipment; Appropriation. There is hereby appropriated to the fish and game department, in addition to any other sums that may be appropriated, the sum of \$19,000 for fiscal year 1988 and \$156,000 for fiscal year 1989 for the purposes of purchasing equipment for the Durham and Lancaster regional offices and the Concord office. These funds shall not be transferred or used for any other purpose. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. (HB 22, HA 18)

19 Effective Date. This act shall take effect July 1, 1987.

Amendment adopted.



Rep. Gross explained the report.  
 Rep. Vartanian spoke to the report.  
 Rep. Hager spoke in favor of the report.  
 Reps. David Young and Kurk spoke against the report.  
 Rep. Kidder spoke in favor of the report and yielded to questions.  
 A roll call was requested. Sufficiently seconded.

YEAS 262 NAYS 86

YEAS 262

**BELKNAP:** Bolduc, Bowler, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Holbrook, Maviglio, Pearson, Lawrence Richardson and Wixson.

**CARROLL:** Allard, Russell Chase, Robert Holmes, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

**CHESHIRE:** Arnott, Blacketer, Clark, Daschbach, Jesse Davis, Delano, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Perry, Ramsay, William Riley and Schwartz.

**COOS:** Brady, Harold Burns, Coulombe, Horton, Kilbride, Lemire, Marsh, Mayhew, Nelson, Oleson and Theriault.

**GRAFTON:** Adams, Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Crystal, Densmore, Driscoll, Michael King, Wayne King, LaMott, Ezra Mann, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Ward and Weymouth.

**HILLSBOROUGH:** Ahern, Ahrens, Baldizar, Bourque, A. Leslie Burns, Champagne, Chretien, Cote, Cowenhoven, Cusson, Daigle, Ann Derosier, William Desrosiers, Paul Dionne, Donovan, Dube, Ducharme, Dupont, Dwyer, Joseph M. Eaton, Nancy Ford, Frank, Ruth Gage, Genest, Scott Green, Guilbert, Betty Hall, Marian Harrington, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Lanzara, Leclerc, Lefebvre, Levesque, Long, Lown, Mason, Bonnie McCann, McGlynn, Messier, Moore, Morrisette, Mulligan, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Saliada, Leonard Smith, Soucy, Steiner, Sullivan, Turgeon, Wagner, Winn, Zajdel and Zis.

**MERRIMACK:** Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Laurent Boucher, Cahill, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hayes, Hess, Mary Holmes, Kidder, Burton Knight, Lockwood, Millard, Pantzer, Provencal, Rehlander, Walter Robinson, Tupper, Wallner, West, Whitemore and Yeaton.

**ROCKINGHAM:** Carl Anderson, Gordon Arnold, Benton, Blaisdell, Blanchard, Blanchette, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cooke, Cressy, Cushing, Drake, Felch, Harry Flanders, John Flanders, Thomas Gage, Gosselin, Elizabeth Greene, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Lovejoy, Maurice MacDonald, Magoon, McGovern, Newell, Pantelakos, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Tilton, Tufts, Vaughn, Weddle and Wells.

**STRAFFORD:** Appleby, Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Sandra Keans, Kincaid, Koromilas, Lachance, Laurion, Martling, McManus, Parks, Pelley, Proulx, Spear, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Brodeur, Cutting, Flint, Krueger, Lindblade, Normandin, Schotanus, Spaulding and Sara Townsend.

NAYS 86

BELKNAP: Golden, Jensen, Locke and Thurston.

CHESHIRE: Cole, Morse, Parker, Pierce and David Young.

COOS: Brungot, Frederic Foss and Purrington.

GRAFTON: Hammond, Lougee, McAvoy and Whitcomb.

HILLSBOROUGH: Alukonis, Barbara Arnold, Bass, Beaupre, Lionel Boucher, Bowers, Burkush, Cid, Cox, Gerard Desrochers, Domainque, Drolet, Dykstra, Gagnon, Granger, Hatch, Kurk, Lozeau, Magee, McRae, Perham, Herbert Richardson, Rodgers, Routhier, Schneiderat, Shriver, Stiles, Tarpley, Vanderlosk, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: George E. Gordon, C. William Johnson, Lewis, Merton Mann, Phelps, Doris Riley and Stio.

ROCKINGHAM: Barnes, Ellyson, Fesh, Flanagan, Bert Ford, Beverly Gage, Gourdeau, Roger King, Mace, Malcolm, William F. McCain, McKinney, Palumbo, Schmidtschen, Schwaner, Scott, Sytek, Vartanian, Warburton, Welch and Wright.

STRAFFORD: Bates, Jean, Kinney, Lussier and Swope.

SULLIVAN: D'Amante, Ingram, Peyron and Rodeschin, and HB 300 was ordered to third reading.

Rep. Fields notified the Clerk that he wished to be recorded in favor of HB 300.

HB 319-FN-A, establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers. Ought to Pass with Amendment.

The Committee, in consultation with the Director of the Office of Alcohol and Drug Abuse Prevention (OADAP), identified the new programs that are ready to go and funded them in the operating budget at a level of \$1.5 Million per year with the new revenues raised in HB 319. The bill, as amended, preserves the Committee composed of the Director of OADAP as Chairman, the Coordinator of the Highway Safety Agency, the Commissioner of Education and the Director of Children and Youth Services.

The Committee is charged with developing a comprehensive, multi-agency state alcohol and drug abuse plan, and \$25,000 of general fund money is appropriated in the amendment for this purpose.

To raise funds for alcohol and drug abuse programs, HB 319 would establish a premium on alcoholic beverages of \$.05 per liter on hard liquor, \$.02 per liter on wines and \$.005 per liter on beer. The estimated \$2.3 Million per year this will raise would all go into a special account to be used for alcohol and drug abuse programs.

Each year, the Committee established by this bill, would file a report with the President and Speaker on December 1. It is intended that this report will provide the Legislature with information needed to make funding decisions in the upcoming session using money available in the special fund established by the premium on liquor.

As amended, HB 319 preserves the original intent of the bill, but tightens up the process so that there will be legislative oversight of executive branch spending. Vote 17-0. Rep. Caroline L. Gross for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers and making an appropriation for the alcohol and drug abuse prevention committee.

Amend the bill by replacing all after section 2 with the following:

3 Premium on Alcoholic Beverages. Amend RSA 175 by inserting after section 17 the following new subdivision:

#### Premium on Alcoholic Beverages

175:18 Imposition of Premium. The liquor commission shall establish a premium charge upon all alcoholic beverages sold in New Hampshire. This premium shall be in addition to any other charge imposed under state or federal law and shall be collected in the following amounts:

I. The premium on all liquors except wines shall be \$.05 per liter.

II. The premium on wines shall be \$.02 per liter.

III. The premium on beverages shall be \$.005 per liter.

175:19 Collection of Premium. Wholesale permittees shall collect the premium charge imposed under RSA 175:18, III from on-sale and off-sale permittees to whom they make sales of beverages and manufacturer permittees shall collect such premium charge from retail permittees and shall forward these sums to the commission in the same manner as specified in RSA 181:17 and 181:18. The commission shall account for the premium established under RSA 175:18 separately from the moneys collected under RSA 181 and shall forward the premium to the state treasurer to be deposited in accordance with RSA 175:20.

175:20 Utilization of Funds. All funds derived from the premium imposed under RSA 175:18, less the costs of collection, shall be paid over to the state treasurer within 10 days of the subsequent month for deposit into a separate account in the treasury known as the alcohol and drug abuse services account. These funds are appropriated as indicated in the operating budget as a source of funds for alcohol and drug abuse programs. Any funds remaining in the account over the appropriation indicated in the operating budget shall lapse into the general fund at the end of each fiscal year.

175:21 Committee Established.

1. There is hereby created an alcohol and drug abuse prevention committee which shall determine the needs and resources within the state necessary to utilize the premium funds most efficiently. The committee members shall consist of the following:

(a) The director, office of alcohol and drug abuse prevention who shall serve as chairman.

(b) The coordinator, highway safety agency, department of transportation or his designee.

(c) The commissioner of the department of education or his designee.

(d) The director, division for children and youth services, department of health and human services or his designee.

11. The committee shall establish a comprehensive state plan to coordinate alcohol and drug abuse prevention, education, treatment and rehabilitation in an effort to avoid duplicative services and to ensure maximum efficiency.

111. The committee shall submit an annual report by December 1 of each year to the speaker of the house of representatives and the president of the senate.

4 Appropriation. The sum of \$25,000 is hereby appropriated to the alcohol and drug abuse prevention committee for the biennium ending June 30, 1989, for the purposes indicated in RSA 175:21 in section 3 of the bill. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect September 1, 1987.

#### AMENDED ANALYSIS

This bill, as amended, imposes a premium upon liquor beverages at the rate of: (a) all liquor except wines, \$.05 per liter; (b) wines, \$.02 per liter and (c) beverages, \$.005 per liter. The revenue generated by the surcharge is placed in a special fund with the state treasurer for use in the prevention and treatment of alcohol and drug abuse, and for the rehabilitation of drug abusers. These funds shall be used as indicated in the operating budget as a source of funds for alcohol and drug abuse programs. The excess shall lapse into the general fund at the end of each fiscal year.

Rep. Lachance moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Gross, Sytek and Rehlander spoke against the motion and yielded to questions.

Rep. Ward yielded to questions.

Rep. D'Amante spoke in favor of the motion.

Rep. LaMott moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 63 NAYS 284

YEAS 63

BELKNAP: Jensen.

CARROLL: Russell Chase, Kenneth MacDonald and Saunders.

CHESHIRE: Arnott, Morse and David Young.

COOS: Purrington.

GRAFTON: Christy and Ward.

HILLSBOROUGH: Alukonis, Barbara Arnold, A. Leslie Burns, Cid, William Desrosiers, Dykstra, Gagnon, Genest, Granger, Hatch, Kurk, Levesque, Morrisette, Sallada, Shriver, Steiner, Wagner, Ware and Watson.

MERRIMACK: George E. Gordon, Hayes, Phelps, Doris Riley and Stio.

ROCKINGHAM: Carl Anderson, Carpenito, Drake, Fesh, Flanagan, Bert Ford, Beverly Gage, Gosselein, Hoar, McKinney, Palumbo, Parr, Schmidtchen, Schwaner and Simon.

STRAFFORD: Bernard, Anita Flynn, Edward Flynn, Frechette, Koromilas, Lachance, Laurion, Lussier, Pelley and Swope.

SULLIVAN: Brodeur, D'Amante, Krueger and Rodeschin.

## NAYS 284

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Maviglio, Pearson, Lawrence Richardson, Thurston and Wixson.

CARROLL: Allard, Robert Holmes, McIntire, Olimpio, Powers and Schofield.

CHESHIRE: Blacketer, Clark, Cole, Daschbach, Jesse Davis, Delano, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Parker, Perry, Pierce, Ramsay, William Riley, Sawyer and Schwartz.

COOS: Brady, Brungot, Harold Burns, Coulombe, Frederic Foss, Horton, Kilbride, Lemire, Marsh, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Copenhaver, Crystal, Densmore, Driscoll, Hammond, Michael King, Wayne King, LaMott, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Baldizar, Bass, Beaupre, Bourque, Bowers, Burkush, Champagne, Chretien, Cote, Cowenhoven, Cox, Cusson, Daigle, Ann Derosier, Gerard Desrochers, Paul Dionne, Domaingue, Donovan, Drolet, Dube, Ducharme, Dupont, Dwyer, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Scott Green, Guilbert, Betty Hall, Marian Harrington, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Lanzara, Leclerc, Lefebvre, Long, Lown, Lozeau, Magee, Mason, Bonnie McCann, McGlynn, McRae, Messier, Moore, Mulligan, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Perham, Pignatelli, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Rodgers, Routhier, Schneiderat, Leonard Smith, Soucy, Stiles, Sullivan, Tarpley, Turgeon, Vanderlosk, Emma Wheeler, Kenneth Wheeler, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Laurent Boucher, Cahill, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hess, Mary Holmes, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Merton Mann, Millard, Pantzer, Provencal, Rehlander, Walter Robinson, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Gordon Arnold, Barnes, Benton, Blaisdell, Blanchard, Blanchette, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cooke, Cressy, Cushing, Ellyson, Felch, Harry Flanders, John Flanders, Thomas Gage, Gourdeau, Elizabeth Greene, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, Newell, Pantelakos, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Scott, Seward, Sherburne, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vartanian, Vaughn, Warburton, Weddle, Welch, Wells and Wright.

STRAFFORD: Appleby, Bates, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Patricia Foss, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Martling, McManus, Parks, Proulx, Spear, Ann Torr, Ralph Torr, Wall, Wilson and John Young.



SULLIVAN: Cutting, Flint, Ingram, Lindblade, Normandin, Peyron, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

HB 322-FN-A, relative to the AIDS virus and making an appropriation therefor. (A) Ought to Pass with Amendment.

The Appropriations Committee recommends that the sum of \$664,736 be appropriated to the Division of Public Health Services, Department of Health and Human Services. These funds are to be used for education, training and testing for the human immunodeficiency virus and its variants which are the causative agents of acquired immune deficiency syndrome (AIDS). The Committee feels HB 322 is a major step toward public understanding of this dreadful virus. Vote 17-1. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the bill by replacing all after section 3 with the following:

4 Appropriation. The sum of \$664,763 for the fiscal year ending June 30, 1987, is hereby appropriated to the division of public health services, department of health and human services, for the purposes of this act. This appropriation shall not lapse until June 30, 1989. This appropriation shall be in addition to any other appropriation made to the division of public health services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill authorizes the division of public health services, department of health and human services, to test for the human immunodeficiency virus and its variants which are the causative agents of acquired immune deficiency syndrome (AIDS).

Under this bill, the division of public health services shall:

- (a) Provide information and educational materials to the department of education, school boards, health care providers and facilities, and others.
- (b) Conduct training seminars for certain health care professionals.
- (c) Provide laboratory testing services to detect the presence of the virus.
- (d) Certify other laboratories to test human blood samples for the virus.
- (e) Conduct follow-up investigations on tests which are serologic positive.

The bill implements an informed consent procedure before any person may undergo testing for the virus and establishes procedures for disclosure and confidentiality in reporting test results.

The bill creates 6 classified full-time permanent positions within the division of public health services to carry out the provisions of this act. The bill, as amended, appropriates \$664,763 for the fiscal year ending June 30, 1987, for the purposes of this act.

This bill was requested by the division of public health services, department of health and human services.

Amendment adopted.

Ordered to third reading.



HB 325-FN-A, relative to the distribution of sweepstakes revenues. Ought to Pass with Amendment.

The Committee feels that this bill, as amended, provides for stabilized revenue to be available to fund Foundation Aid and places in statute the section note as proposed by the Governor in his budget. Vote 15-4. Rep. Ellen-Ann Robinson for Appropriations.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Sweepstakes Fund Appropriation. Amend RSA 284:21-j to read as follows:

284:21-j Establishment.

I. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which he shall pay all expenses of the commission incident to the administration of this subdivision and RSA 287-E. Any balance left in said special fund after such expenses are paid shall be continually appropriated for the sole purpose of funding state aid to education under RSA 198:27-33.

II. For every fiscal year, if the combination of the prior year's balance forward and the current year's revenue is not sufficient to fully fund the appropriation for state aid to education under RSA 198:27-33 for that fiscal year, any shortfall shall be a charge against any funds in the treasury otherwise unappropriated. Conversely, if the amount available in said special fund exceeds the amount of the legislative estimate of revenue from the fund, the excess shall be carried forward into the following fiscal year.

Amendment adopted.

Ordered to third reading.

HB 326-FN-A, establishing homemaker services for certain persons and making an appropriation therefor. Ought to Pass.

This bill allows the Division of Elderly and Adult Services, Department of Health and Human Services to fund programs which maintain infirm individuals in their own homes. Such services, include housekeeping, budgeting, special diet planning and respite family relief. Programs prevent inappropriate institutionalization. State Cost \$1.5M. Vote 14-5. Rep. Peter J. Zis for Appropriations.

Ordered to third reading.

HB 332-FN-A, relative to full-time marital masters and making an appropriation therefor. Inexpedient to Legislate.

House Bill 332 would have provided 8 full-time marital masters on a permanent basis to hear domestic relations cases. While the Committee agreed that this problem needs immediate attention, in the long run some sort of family court system may be the best solution. In the meantime, all 8 full-time masters have been included in the budget and thus the bill is no longer required. Vote 14-3. Rep. Caroline L. Gross for Appropriations.

Resolution adopted.

HB 352-FN-A, relative to the return of revenue to cities and towns. (A) Re-Refer to Committee.

The Committee received this bill very late in the process and did not have time to compare the needed expenditure to moneys still

available. It would like, however, to see the bill again next January. Vote 19-1. Rep. Elizabeth Hager for Appropriations.

Re-Referred to the Committee on Ways and Means.

HB 354-FN-A, relative to the Franklin-Laconia connector and making an appropriation therefor. Ought to Pass with Amendment.

The amendment to this bill is supported by the sponsors. It lowers the appropriation to \$4.6 Million to be used for the acquisition of land and property rights. Vote 17-1. Rep. Elizabeth Hager for Appropriations.

#### Amendment

Amend the bill by striking out all after the enacting clause and replacing it with the following:

1 Authority for Land Acquisition. Notwithstanding any other provision of the law to the contrary, the department of transportation and the governor and executive council are hereby authorized and directed to proceed without delay with the acquisition of all the land and property rights necessary for the construction of the entire 4-lane Franklin-Laconia connector highway, as defined in the final environmental impact statement approved in 1981 for this project; provided, however, the department of transportation shall take into consideration the impact and minimize the relocation of existing population. Not later than July 1, 1990, the department shall purchase or initiate eminent domain proceedings for all remaining property needed for the right-of-way.

2 Appropriation. The sum of \$4,600,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1989, for the projects stated in section 1 of this act. This shall be a nonlapsing appropriation and shall be in addition to any other appropriation made for the department for the biennium. The department is further authorized to accept federal funds that may be available for these projects. This appropriation shall be reduced by the amount of federal funds made available. This appropriation shall be a charge against the highway fund.

3 Effective Date. This act shall take effect 60 days after its passage.

Rep. Bowler spoke against the amendment.

Rep. LaMott spoke in favor of the amendment and yielded to questions.

Amendment adopted.

Rep. Bowler offered an amendment.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the Franklin-Laconia connector and making an appropriation therefor and requiring an annual state reimbursement to towns for land acquired in excess of 5 percent of the town's net assessed valuation.

Amend section 3 of the bill by replacing it with the following:

3 Annual State Reimbursement. If land acquired pursuant to section 1 of this act for right-of-way acquisition in any town exceeds 5 percent of the town's net assessed valuation, the town shall be reimbursed annually

by the state in lieu of taxes for the tax loss caused by the right-of-way acquisition.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill makes an appropriation of \$4,600,000 to the department of transportation for the Franklin-Laconia connector projects. The bill also provides a time table for certain phases of the construction project.

The bill, as amended, further provides for an annual state reimbursement to any town affected by this project, if 5 percent or more of the town's net assessed valuation is acquired for the purpose of right-of-way for the construction project. This payment is in lieu of taxes.

The Clerk read the amendment.

Rep. Bowler explained the amendment and yielded to questions.

Reps. Rounds and LaMott spoke against the amendment.

A roll call was requested. Sufficiently seconded.

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YEAS 59

BELKNAP: Bowler, Hawkins, Jensen, Maviglio and Randall.

CARROLL: Olimpio.

CHESHIRE: Arnott, Daschbach, Matson, Ramsay and Schwartz.

GRAFTON: Blair, Chambers, Copenhaver, Michael King and Wayne King.

HILLSBOROUGH: Donovan, Ducharme, Genest, Granger, Scott Green, Korcoulis, Lefebvre, Levesque, McGlynn, O'Rourke, Reardon, Reidy, Leonard Smith, Vanderlosk, Watson and Zajdel.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, George E. Gordon, Millard, Pantzer and Tupper.

ROCKINGHAM: Blanchard, Blanchette, Butler, Marilyn Campbell, Harry Flanders, Gosselin, Elizabeth Greene, Hollingworth, Lovejoy, McGovern, Pevear, Read, Ritzo, Sherburne, Vartanian, Warburton and Weddle.

STRAFFORD: Albert Dionne, Lussier and Ralph Torr.

SULLIVAN: None.

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BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Holbrook, Pearson, Lawrence Richardson, Thurston and Wixson.

CARROLL: Allard, Russell Chase, Robert Holmes, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Blacketor, Clark, Cole, Jesse Davis, Delano, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Miller, Morse, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Brungot, Harold Burns, Coulombe, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Adams, Arnesen, Bean, Christy, Crystal, Driscoll, Hammond, LaMott, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baldizar, Bass, Beaupre, Lionel Boucher, Bourque, Boutwell, Bowers, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Cowenhoven, Cox, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, Paul Dionne, Domaingue, Drolet, Dube, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gagnon, Guilbert, Betty Hall, Marian Harrington, Hatch, Holden, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Kurk, Lanzara, Leclerc, Long, Lown, Lozeau, Mason, Bonnie McCann, McKae, Messier, Moore, Morrisette, Mulligan, Robert Murphy, Packard, Pappas, Paquette, Perham, Pignatelli, Price, Herbert Richardson, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Schneiderat, Shriver, Soucy, Steiner, Stiles, Sullivan, Tarpley, Turgeon, Wagner, Ware, Emma Wheeler, Kenneth Wheeler, Winn and Zis.

MERRIMACK: Asplund, Austin, Laurent Boucher, Cahill, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hayes, Hess, Mary Holmes, C. William Johnson, Kidder, Burton Knight, Lewis, Merton Mann, Phelps, Provencal, Doris Riley, Walter Robinson, Stio, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, Blaisdell, Eunice Campbell, Carpenito, Conroy, Cooke, Cressy, Cushing, Drake, Ellyson, Felch, Fesh, Flanagan, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gourdeau, Hoar, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Pantelakos, Parr, Popov, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Scott, Seward, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vaughn, Welch, Wells and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Chamberlin, Dingle, Anita Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Laurion, Martling, McManus, Parks, Pelley, Proulx, Spear, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Brodeur, Cutting, D'Amante, Flint, Ingram, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the amendment lost.

Rep. Popov notified the Clerk that she inadvertently voted nay and meant to vote yea.

Ordered to third reading.

RECESS

(Speaker in the Chair)

#### SENATE MESSAGE REQUESTS CONCURRENCE WITH AMENDMENT

HB 83-A, relative to the Cornish-Windsor bridge and making an appropriation therefor. (Amendment printed SJ 4/7)

Rep. Pearson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Pearson, Schotanus, Driscoll and Kincaid.

## COMMITTEE REPORTS (cont.)

HB 355-FN-A, relative to the assumption of local probation functions by the state and making an appropriation therefor. (A) Ought to Pass with Amendment.

Passage of this bill will complete the unification of the State Court System by providing that the state will assume responsibility for probation services currently being paid for by certain cities and towns. The bill will be of direct benefit to the communities of Concord, Derry, Dover, Durham, Franklin, Goffstown, Hanover, Laconia, Lebanon, Manchester, Nashua, Portsmouth, Rochester, Salem and Somersworth.

The amendment reduces the appropriation to \$1,231,755 in FY '88 and \$2,207,104 in FY '89 and makes several changes of a technical nature. Vote 14-4. Rep. Donna P. Sytek for Appropriations.

## Amendment

Amend the bill by replacing all after section 14 with the following:

15 Interstate Compact on Juveniles; Definitions. RSA 169-A:9 is repealed and reenacted to read as follows:

169-A:9 Juvenile Delinquent. The term "delinquent juvenile" as used in the interstate compact on juveniles shall include a delinquent as defined in RSA 169-B:2, II.

169-A:9-a Conditional Release. An adjudicated juvenile placed on probation or parole as such term is used in the interstate compact on juveniles is on conditional release as defined in RSA 169-B:2, V.

16 Transition. The following provisions are applicable to the transition from municipal probation officers and juvenile probation officers to juvenile services officers.

I. All persons holding the office of municipal probation officer as of the effective date of this act shall be given the opportunity to apply for positions of comparable responsibility as juvenile services officers, juvenile intake officers, and adult probation and parole officers.

II. The director, division for children and youth services shall, pursuant to RSA 541-A, adopt rules to establish the duties and standards for juvenile services officers.

III. The director, division for children and youth services, shall begin recruitment to fill any positions created by this act so that all staff shall be employed 30 days prior to the implementation of the remainder of this act. Existing personnel recruitment and hiring procedures shall be used for all positions transferred by this act. This 30 day period shall be used for training in court procedure and division requirements.

17 Local Probation Employees; Benefits. Notwithstanding any other provision of law, any full-time local probation officer or local probation employee who becomes employed by the state pursuant to this act shall, effective January 1, 1988, receive all fringe benefits and salary increases as provided for classified state employees including membership in the state retirement system, Blue Cross and Blue Shield coverage, dental insurance, life insurance coverage, and annual and sick leave benefits. Annual and sick leave benefits accumulated by said employees, as a result of service prior to January 1, 1988, shall be transferable under such guidelines as may be established by the supreme court for court employees and by the division of personnel for executive branch employees.

18 Retirement of Local Probation Employees.

I. Notwithstanding any other provision of law, all full-time local probation officers or local probation employees who become employed by the state pursuant to this act shall, effective January 1, 1988, be



eligible for membership in the New Hampshire retirement system. Employees who elect to become members of the New Hampshire retirement system shall not be eligible for membership in the local retirement system, except that nothing herein shall prevent an employee from retaining a vested interest in a local retirement system. The 6-month probationary period normally in effect shall be waived for all full-time employees who are employed by local probation departments on December 31, 1987. All personnel hired after January 1, 1988, shall become members of the New Hampshire retirement system following the normally required probationary period.

II. Any such employee who is currently a member of a retirement system other than the New Hampshire retirement system may elect in writing to remain in the local retirement system by notifying the employer and the local governing body on or before December 1, 1987. Employees so electing shall be considered employees of the local governing body for the purpose of inclusion in the local retirement system only. The state, after such election, shall pay into the local retirement system monthly all sums which would otherwise become payable by the local governing body into the local retirement system as its contributory share toward the retirement of said employee; provided, however, that the contributory share shall not exceed the average percentage of the local governing body's annual contributions for all employees for the 3 years preceding January 1, 1988. The state shall withhold from the salary of any such employee the employee's contributory share into the local retirement system and shall pay monthly the amount so withheld to the local governing body for deposit in the local retirement system on behalf of such employee. Employees electing to continue as members of local retirement systems shall not be eligible for membership in the New Hampshire retirement system.

III. Notwithstanding any other provision of law to the contrary, all full-time employees who elect to become members of the New Hampshire retirement system may purchase prior service credits for those years during which they were employed as full-time employees. Prior service credit in the New Hampshire retirement system equal to the membership service in a local retirement system may be purchased upon certification that the member is not eligible for benefits from the local retirement system.

19 Appropriation. The following sums are hereby appropriated for fiscal year 1988 and fiscal year 1989 to the supreme court, the department of corrections, and the division for children and youth services, department of health and human services, for the purpose of carrying out this act:

	Fiscal Year 1988	Fiscal Year 1989
Department of corrections	\$ 97,718	\$ 185,621
Division for children and youth services	953,725	1,328,543
Supreme court	113,100	216,760
Total	\$1,164,543	\$1,730,924

These sums shall be in addition to any other appropriations made for the supreme court, the department of corrections, and the division for children and youth services. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

20 Repeal. RSA 504-A:10, relative to municipal probation officers, is repealed.

21 Effective Date.

1. Sections 16, 17, 18, and 19 of this act shall take effect July 1, 1987.

11. The remainder of this act shall take effect January 1, 1988.



## AMENDED ANALYSIS

This bill abolishes the positions of municipal probation officers and provides that the commissioner of corrections shall assign permanent adult probation officers to each district court consistent with a workload formula established by the commissioner. Each officer assigned must be approved by the justice of the district court to which the officer is assigned. The bill authorizes the hiring of juvenile services officers within the division for children and youth services. Juvenile services officers shall be assigned to each district court. They shall be responsible for providing any needed services to juveniles.

This bill also establishes juvenile intake officers for each district court. Juvenile intake officers shall act as clerks and officers of the district courts in proceedings brought which concern juveniles.

This bill, as amended, allows current local probation employees who become employees of the state pursuant to this act to elect to remain in a local retirement system or to become members of the New Hampshire retirement system. Local probation employees who become state employees pursuant to this act shall receive benefits and salary increases as provided for classified state employees.

This bill, as amended, appropriates a total of \$1,164,543 for fiscal year 1988 and \$1,730,924 for fiscal year 1989 to the supreme court, the division for children and youth services, and the department of corrections for the purpose of carrying out this act.

Amendment adopted.

Ordered to third reading.

HB 370-FN-A, relative to employment opportunity and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill places into law incentives for AFDC recipients to enter the work force and removes obstacles to finding employment. With these employment opportunities available to single parents, they may learn job skills and gain work experience, so that they may reduce their reliance on state assistance, and leave the welfare rolls. Medicaid coverage shall be available for children of these families so that the availability of medical treatment will not be lost simply because their parent chooses to work her/himself off welfare. The amendment deletes the appropriation contained in the bill as introduced. Those funds necessary are contained in the operating budget. Vote 18-4. Rep. Michael B. King for Appropriations.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to employment opportunity.

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Rulemaking. Amend RSA 167:3-c by inserting after paragraph II-a the following new paragraph:

11-b. Procedures for adjusting the difference calculated under RSA 167:7, IV.

3 Delete Reference to Appropriated Funds; Standard of Need. Amend RSA 167:7, II to read as follows:

II. The director of the division of human services of the department of health and human service may establish for the aid to families with dependent children consolidated standards of need, or

consolidated standards of need except for shelter, subject to [appropriated funds and] applicable federal regulations. The director shall annually establish a standard of need which is equal to 100 percent of the poverty level, as determined using the national poverty index, established annually by the Social Security Administration.

4 Payment Level and Benefit Level. RSA 167:7, III is repealed and reenacted to read as follows:

III. The director of the division of human services shall also annually establish a payment level, which shall be the amount of benefits to be paid to recipients, subject to appropriated funds and federal regulations. In determining the payment level, the director shall take into consideration the standard of need, as determined in paragraph II of this section, to ensure that recipients are able to subsist at a decent and healthy standard of living. Payment levels shall in no event be lower than the benefit level paid to recipients during fiscal year 1987.

5 Income Exclusion. Amend RSA 167:7, IV to read as follows:

IV. In determination of the amount of payments or other assistance under RSA 167 or RSA 161, due regard shall be given to the income and resources of applicants. In determination of the amount of payment or other assistance for purposes of RSA 167:7, II and III, the standard of need shall be reduced by countable income of a recipient, and the difference, if any, shall be adjusted according to rules adopted by the director of the division of human services.

6 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill establishes incentives to encourage single parents to seek employment.

The bill sets the standard of need for aid to families with dependent children (AFDC) at 100 percent of the national poverty level.

The bill establishes a payment level for AFDC recipients, which shall be the amount of benefits to be paid to recipients.

The bill, as amended, provides that the standard of need shall be reduced by the countable income of the recipient and the difference, if any, shall be adjusted according to rules adopted by the director.

Amendment adopted.

Ordered to third reading.

HB 601-FN, relative to the salary of the director of the police standards and training council. Inexpedient to Legislate.

The Committee recommended, and the House approved, a study of the entire state unclassified work force. The majority of the Committee believes the position reclassification in this bill should not be treated separately from that study. Vote 9-8. Rep Elizabeth Hager for Appropriations.

Resolution adopted.

HB 607-FN, increasing the personal needs allowance for recipients of medical assistance residing in nursing homes. Ought to Pass with Amendment.

This bill increases the personal needs allowance for recipients of medical assistance residing in nursing homes up to \$35 a month. The amendment sets the \$35 rate for residents of shared homes and community residences as well as nursing homes. State cost: \$301,899 for the biennium. Vote 18-1. Rep. Margaret A. Ramsay for Appropriations.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

increasing the personal needs allowance for recipients of medical assistance residing in nursing homes, shared homes, and community residences, and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Personal Needs for Residents of Nursing Homes, Shared Homes, and Community Residences. Amend RSA 167:27-a to read as follows:

167:27-a Personal Needs Allowance of Residents of Nursing Homes, Shared Homes, and Community Residences. The director of the division of human services, department of health and human services, shall permit each medical assistance recipient approved for nursing home, shared home, or community residence payments to retain from his monthly income [\$30] \$35 a month for his personal needs. If the net monthly income of such a recipient is less than [\$30] \$35 a month, the director shall provide sufficient old age assistance, aid to the permanently and totally disabled, or aid to the needy blind to allow the recipient an amount equal to [\$30] \$35 a month for his personal needs.

2 Appropriation. The sums of \$151,692 from federal funds, \$145,314 from general funds, and \$145,314 from other funds are hereby appropriated for the fiscal year ending June 30, 1988, and the sums of \$154,950 from federal funds, \$156,585 from general funds, and \$156,585 from other funds are hereby appropriated for the fiscal year ending June 30, 1989, to the division of human services, department of health and human services, for the purposes of section 1 of this act.

3 Effective Date. This act shall take effect July 1, 1987.

## AMENDED ANALYSIS

This bill increases the personal needs allowance for recipients of medical assistance residing in nursing homes, shared homes, and community residences from the current \$30 a month to \$35 a month.

The bill, as amended, appropriates a total of \$442,320 for fiscal year 1988, and \$468,120 for fiscal year 1989 to the division of health and human services for the purposes of this act.

Amendment adopted.

Ordered to third reading.

HB 651-FN, relative to compensation of district court justices and special justices. (A) Ought to Pass with Amendment.

This bill revises the current formula for calculating salaries of part-time District Court judges by setting up a weighted caseload system. Those who would lose under the new formula are grandfathered in at their old salary. The amendment provides that any changes to the formula must be approved by the Fiscal Committee. An appropriation to cover the change is included in the budget. Vote 16-1. Rep. Donna P. Sytek for Appropriations.

## Amendment

Amend RSA 491-A:3, 1 as inserted by section 1 of the bill by replacing it with the following:

1. For purposes of calculating the annual salaries of part-time district court justices appointed after July 1, 1987, the supreme court shall establish and revise as needed a weighted case value, relating the judicial time required for each type of case included in the court's jurisdiction, which when multiplied by the caseload of each court will produce the number of weighted case units for that court. Any revisions to the weighted case values shall be approved by the fiscal committee. The number of weighted case units shall be calculated by the administrative office of the courts in October of each year, using caseload statistics for the preceding 12-month period. Said weighted case units shall serve as the basis for determining the salary of part-time justices for the next calendar year.

Amend the introductory paragraph of RSA 491-A:3, 11 as inserted by section 1 of the bill by replacing it with the following:

11. The following compensation schedule shall be used when calculating salaries for part-time district court justices, beginning July 1, 1987:

Amend RSA 502-A:6, 11 as inserted by section 3 of the bill by replacing it with the following:

11. The annual salaries of the special justices of the district courts appointed prior to July 1, 1987, shall be an amount equal to 30 percent of the salary paid to the justices, as provided in paragraph 1, or the current annual salary of the special justice for 1987, whichever is greater. Provided further that the special justice may receive, and all special justices appointed after July 1, 1987, shall receive, the same per diem compensation as is generally allowed to masters serving in superior court, plus reasonable expenses as determined by the supreme court. In those cases where prior to July 1, 1987, the special justice was paid on a per diem basis, such per diem payment shall continue unless changed by the supreme court. In the event of the death, resignation, or retirement of the justice and when no appointment is made to fill the vacancy caused thereby for a period of 60 days, the special justice shall then be paid the salary of the justice until his vacancy is filled. If the justice is absent due to illness or disqualification for any other reason for a period of more than 60 days, the special justice shall be entitled to the salary of the justice until the justice is able to assume his duties. Whenever a justice or special justice sits in another court by request, he shall be paid \$30 per hour for each hour or part thereof that he shall serve in said capacity; provided, however, that he shall not receive more than the same per diem compensation as is generally allowed to masters serving in the superior court plus reasonable expenses.

#### AMENDED ANALYSIS

This bill, as amended, allows the supreme court to establish, with the approval of the fiscal committee, a weighted caseload formula for determining the salaries of part-time district court justices. The bill provides that the supreme court may determine that a part-time district court justice shall become full-time if his salary equals 70 percent of the salary of a full-time district court justice.

This bill, as amended, removes the prohibition on the practice of law for part-time district court judges earning over \$30,000 annually, but inserts a prohibition on the practice of law by full-time district court justices.

This bill, as amended, also establishes a new salary structure for special justices of the district courts.

Amendment adopted.

Ordered to third reading.

Rep. Champagne abstained from voting under Rule 16.

HB 679-FN, relative to buyers of farm products. (A) Ought to Pass with Amendment.

This bill establishes a central indexing system in the Secretary of State's Office where secured parties will register information relative to security interest in farm products. The bill is requested and supported by the United States Department of Agriculture, the New Hampshire Department of Agriculture and the banking community. The amendment repeals certain unused statutes relating to racing revenue to support agricultural fairs. The appropriation in the amendment is to purchase equipment and supplies for the Secretary of State to implement the indexing system called for in the bill. Vote 16-1. Rep. Howard C. Townsend for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to buyers of farm products and distribution of funds to agricultural fairs, and making an appropriation to the secretary of state for a central indexing system for security interests in farm products.

Amend the bill by replacing all after section 2 with the following:

3 Running Horse Race or Meet; Agricultural Distribution Deleted.

Amend RSA 284:23, I(a) to read as follows:

I.(a) Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of the total contributions to all win, place and show pari-mutuel pools, and a sum of money equal to 2 percent of the total contributions to all other pari-mutuel pools conducted, made or sold at any such race or meet licensed hereunder, except that during calendar years 1995, 1996 and 1997 only, the tax on such win, place and show pools shall be 1-1/2 percent and the tax on all other pools shall be 3 percent. [Of] The amount so paid to the state treasurer[, a sum equal to 1/4 of one percent of said total payments shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture, and the balance of such payments] shall be distributed in accordance with the provisions of RSA 284:2. The payment of the increased tax for the years 1995, 1996, and 1997 to reimburse the state for its contribution to the purse fund under RSA 284:22, I shall be secured under the same terms and conditions as the subordinated revenue bonds issued by the industrial development authority dated December 23, 1983, after said bonds have been paid, except that the rights of the state shall be subordinate to the rights of the industrial development authority and the bondholders. Any release of the state as a lien creditor shall be subject to the prior approval of the fiscal committee and with the approval of governor and council.

4 Dog Race or Meet; Agricultural Distribution Deleted. Amend RSA 284:23, II-a to read as follows:

II-a. Each person, association or corporation licensed to conduct a dog race or a dog race meet under this chapter shall pay to the



state treasurer a sum equal to 6 percent of so much of the total contributions to all pari-mutuel pools conducted or made at any dog race or dog race meet licensed hereunder as does not exceed \$100,000; 7 percent of so much thereof as exceeds \$100,000 but does not exceed \$200,000; 9 percent of so much thereof as exceeds \$200,000 but does not exceed \$300,000; and 10 percent of all such contributions exceeding \$300,000. In addition to said sums, a licensee shall pay to the state treasurer a sum equal to 4 percent of the total contributions to all such pari-mutuel pools other than win, place and show pari-mutuel pools. [Of] The amounts so paid to the state treasurer[, a sum equal to 1/8 of one percent of said total contributions shall be expended for the promotion of agriculture in the state and 1/8 of one percent of said total contributions shall be expended for physical improvements at agricultural fairs, under the direction of the commissioner of agriculture; and the balance] shall be distributed in accordance with the provisions of RSA 284:2.

5 New Subdivision; Records and Audits of Distribution of Funds to Agricultural Fairs. Amend RSA 425 by inserting after section 19 the following new subdivision:

Fund Distributions to  
Agricultural Fairs

425:19-a Application; Fund Distribution. This subdivision shall apply whenever the legislature, in the operating budget or in other legislation, provides for a distribution of funds to agricultural fairs.

425:19-b Distribution to Agricultural Fairs. The portion of the funds to be distributed under this subdivision shall be distributed by the commissioner of agriculture in accordance with the plan or formula given, if there is a plan or formula given, in the operating budget or other legislation to all agricultural fairs holding yearly exhibitions in the state and paying premiums of at least \$1,500 annually. Each year a payment of \$100 shall be paid to all such agricultural fairs. The balance of said fund shall be distributed pro rata to said fairs based on the amount of competitive or educational agricultural premiums paid in the preceding calendar year by said fair. In determining the premiums paid the commissioner shall take into consideration the premiums paid for contests, exhibits or displays of domestic livestock, household products, farm crops, and those made by 4-H clubs or other similar groups. Provided, that no agricultural fair shall be eligible for a distribution pursuant to this section unless said agricultural fairs offers premiums in at least 3 of the following areas: contests, exhibits or displays of domestic livestock, household products, farm crops, or projects submitted by members of 4-H clubs or other similar groups. Provided, further, that no agricultural fair shall be eligible for a distribution pursuant to this section if said fair pays dividends to stockholders, or if the operators of said fair receive any part of the profits.

425:19-c Reports as to Basis of Distribution. The commissioner of agriculture shall adopt rules, under RSA 541-A, relative to the reports of premiums as he may deem necessary to enable him to determine the pro rata distributions to be made of sums distributed under this subdivision.

425:19-d Records for Purpose of Audit. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the accounting methods to be used by each fair which could qualify for a distribution, if a distribution is made under this subdivision. Each such fair shall use the calendar year as its fiscal year for keeping the books, records and reports of its fiscal officers. The commissioner of revenue administration is authorized to require the production of all such books, records, vouchers and other papers and documents as will enable him to make a full, accurate and complete audit. All such records shall be preserved for 3 years following the date of said audit.



425:19-e Audit by Commissioner of Revenue Administration of Accounts of Agricultural Fairs.

I. The commissioner of revenue administration shall annually, at the cost and expense of each agricultural fair audit all accounts of fairs receiving money under the provisions of receiving a distribution, and the report of each such audit, when completed, shall be submitted to the president, treasurer and clerk of each fair so audited.

II. A report of each audit shall be made to the commissioner of agriculture by the commissioner of revenue administration and shall be available to the public.

425:19-f Failure to Keep Records. The failure to keep the books, records and papers required by this subdivision and follow such approved methods shall be considered sufficient cause for the commissioner of agriculture to withhold the distribution of funds provided for in this subdivision to the fair or fairs otherwise entitled to them until such books, records and papers are made available for audit and such audit made. Any funds remaining in the hands of the commissioner of agriculture which are not distributed because of continued failure to comply with the provisions of RSA 425:19-d shall be distributed after a period of one year, to the fairs which complied with the provisions of said section for the year in question.

6 Repeal. The following are repealed:

I. RSA 284:23, II-b, relative to harness horse races or meets, agricultural distribution, and sire stakes distribution.

II. RSA 284:23, III-a, relative to the total amount of distributions to agricultural fairs.

III. RSA 284:23, III-b, relative to the total amount of distributions for physical improvements at agricultural fairs.

IV. RSA 284:25, relative to distribution to agricultural fairs.

V. RSA 284:25-a, relative to distribution for physical improvements at agricultural fairs.

VI. RSA 284:26, relative to reports as to the basis of distribution.

VII. RSA 284:27, relative to an audit by the commissioner of revenue administration of accounts of agricultural fairs.

VIII. RSA 284:28, relative to report of audit.

IX. RSA 284:29, relative to records for purpose of audit.

X. RSA 284:30, relative to failure to keep records.

7 Appropriation. The sum of \$33,000 for the fiscal year ending June 30, 1988, and \$4,200 for the fiscal year ending June 30, 1989, is hereby appropriated to the secretary of state for the purpose of developing and implementing the central indexing system required by sections 1 and 2 of this act. This appropriation is in addition to any other funds appropriated to the secretary of state. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date.

I. Sections 1 and 2 of this act shall take effect September 1, 1987.

II. The remainder of this act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill directs the secretary of state to develop and implement a central indexing system within his office, where secured parties may register certain information relative to their security interest in farm products. Only secured parties who register with the secretary of state may enforce security interests in farm products against buyers in the ordinary course of business and against certain sellers.

This bill, as amended, provides for a filing fee with the register of deeds and an annual registration fee of \$100 with the secretary of state.

This bill, as amended, appropriates \$33,000 for fiscal year 1988 and \$4,200 for fiscal year 1989 to the secretary of state to establish and implement the central indexing system.

This bill, as amended, also repeals laws providing for the distribution of funds to agricultural fairs. However, this bill provides for the reports on and audits of the distribution of funds to agricultural fairs whenever the operating budget or other legislation provides for such distribution.

Amendment adopted.

Ordered to third reading.

HB 683-FN, relative to state employee benefits. (A) Ought to Pass with Amendment.

This bill, as amended, provides that permanent part-time state employees who are regularly scheduled to work 30 hours or more per normal calendar week shall be entitled to elect health and dental benefits as are afforded full-time state employees, except that the state's share of the premium for such benefits will be pro-rated and the difference to the full premium cost shall be paid by the employee through payroll deduction. Vote 15-1. Rep. John B. Hammond for Appropriations.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Health and Dental Benefits; State Employees Working More Than 30 Hours Per Week. Amend RSA 98-A by inserting after section 6 the following new section:

98-A:6-a Health and Dental Benefits. Any individual employed in state service on a part-time basis whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health and dental benefits as are afforded full-time state employees, except that the state's share of the cost of such benefits shall be decreased by a factor equal to the difference between 37.5 hours and the number of hours such individual works in a normal calendar week, divided by 37.5 hours. The remaining costs of health and dental benefits which any such individual elects to receive pursuant to this section shall be withheld from such individuals salary as a payroll deduction.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, provides that part-time state employees who are employed at least 30 hours per normal calendar week and whose position is anticipated to have a duration of 6 months or more shall be entitled to elect to receive such health and dental benefits as are afforded full-time state employees, except that the state's share of the costs of such benefits shall be decreased by a factor equal to the difference between 37.5 hours and the number of hours such individual works, divided by 37.5 hours. The remaining costs of any health and dental benefits which any such individual elects to receive shall be withheld from such individuals salary as a payroll deduction.

Amendment adopted.

Ordered to third reading.

HB 710-FN-A, relative to child care assistance and making an appropriation therefor. Inexpedient to Legislate.

The Committee felt that the intent of this bill was laudatory, however, the cost involved was considerable. The Committee has increased the day care line in the budget, HB 300, by \$750,000 each year over the Governor's recommended budget. This increase allows only a maintenance level for day care. However, the Committee has approved HB 370, as amended, which helps the working poor in the area of Medicaid coverage. Vote 18-4. Rep. Ellen-Ann Robinson for Appropriations.

Resolution adopted.

SB 130-FN-A, relative to the trust fund for the prevention of child abuse and neglect, and making an appropriation therefor. Ought to Pass. This bill renames the Children's Trust Fund as the Trust Fund for the Prevention of Child Abuse and Neglect, and places the fund in the New Hampshire Charitable Fund. Vote 16-0. Rep. Jocelyne W. Champagne for Children, Youth and Elderly Affairs.

Referred to Appropriations.

SB 147, relative to surety bonds. Re-Refer to Committee. The testimony on this bill was preponderantly in favor of the concepts addressed, but equally strong in opposition to the way the provisions were expressed. Re-referral is, therefore, appropriate. Vote 10-8. Rep. Richard A. Grodin for Municipal and County Government.

Report adopted.

HB 693-FN, relative to determining membership in the New Hampshire retirement system. (A) Ought to Pass with Amendment. This bill redefines permanent policemen and permanent firemen, and adds the definition of correctional line personnel to tighten up membership in Group II in the New Hampshire Retirement System. It also authorizes counties to vote to allow their correctional line personnel to transfer from Group I to Group II. The bill authorizes a study of Group II of the New Hampshire Retirement System by the House Executive Departments and Administration Committee. There is no appropriation in the bill. Vote 17-0. Rep. John B. Hammond for Appropriations.

#### Amendment

Amend RSA 100-A:1, VI-f(a)(b), as inserted by section 1 of the bill by replacing it with the following:

(b) Any permanent correctional line personnel employed full-time by a county correctional facility, who as a job requirement has satisfied minimum standards for physical condition, education, and training as approved by the police standards and training council and are certified as correctional line personnel, by the New Hampshire Association of Counties Office of Correctional Training, provided, however, that "permanent policeman" shall include the permanent correctional line personnel of a particular county as provided in this subparagraph only after election by the county convention as provided in RSA 100-A:20, III.

Amend RSA 100-A:3, II-b, as inserted by section 5 of the bill by replacing it with the following:

II-b. If any employment position is changed in classification from group I to group II for any reason, such change shall not apply to

any service in such position rendered prior to the effective date of the action effecting the change in classification, but the person holding such position shall thereafter be a group 11 member of the retirement system and upon retirement, death, or termination of service shall be entitled to split benefits as provided in RSA 100-A:18. If any employment position is changed in classification from group II to group I, a person holding such position shall continue to be a group 11 member of the retirement system for as long as he holds that position. Any other person holding the position or who may hold it thereafter shall be a group 1 member of the retirement system.

Amend RSA 100-A:3, IX as inserted by section 6 of the bill by replacing it with the following:

IX. No position shall be reclassified from group I to group II of the retirement system without legislation specifically authorizing a transfer from group 1 to group II.

Amendment adopted.

Ordered to third reading.

SJR 1, against communist tyranny. Inexpedient to Legislate. The Resolution, as written, is poorly drafted with questionable figures and nebulous intent. In addition, it is time to realize that resolutions of this type do not belong before the Legislature and if passed, are only referred to the circular file, and finally, do nothing to preserve truth, justice, and the American way. Vote 9-1. Rep. Daniel A. Eaton for State-Federal Relations.

Rep. Welch moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Parr and Daniel Eaton spoke in favor of the motion.

Rep. Granger spoke in favor of the motion.

Motion lost.

Question now being on the Committee report, Inexpedient to Legislate.

A roll call was requested. Sufficiently seconded.

YEAS 303 NAYS 34  
YEAS 303

BELKNAP: Bowler, Richard Campbell, Hardy, Malcolm Harrington, Holbrook, Maviglio, Pearson, Randall, Thurston and Wixson.

CARROLL: Allard, Russell Chase, Robert Holmes, Kenneth MacDonald, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Blacketer, Clark, Cole, Daschbach, Jesse Davis, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Hunt, Matson, Miller, Morse, Parker, Perry, Pierce, Ramsay, William Riley, Sawyer and Schwartz.

COOS: Brady, Brungot, Harold Burns, Coulombe, Frederic Foss, Guay, Horton, Kilbride, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crystal, Densmore, Driscoll, Hammond, Michael King, Wayne King, LaMott, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baldizar, Bass, Beaupre, Lionel Boucher, Bourque, Boutwell, Bowers, Buckley, Burkush, Champagne, Chretien, Cid, Cote, Cowenhoven, Cox, Cusson, Daigle, Ann Derosier, William Desrosiers, Paul Dionne, Domainque, Donovan, Drolet,

Ducharme, Dupont, Dwyer, Clyde Eaton, Joseph M. Eaton, Nancy Ford, Frank, Ruth Gage, Gagnon, Gelinas, Genest, Guilbert, Betty Hall, Marian Harrington, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Kurk, Leclerc, Lefebvre, Levesque, Long, Lown, Lozeau, Magee, Mason, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Mulligan, O'Rourke, Packard, Pappas, Paquette, Pariseau, Perham, Pignatelli, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Leonard Smith, Soucy, Stiles, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Watson, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Laurent Boucher, Cahill, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hager, Hayes, Hess, C. William Johnson, Kidder, Burton Knight, Lewis, Merton Mann, Millard, Pantzer, Phelps, Provencal, Doris Riley, Walter Robinson, Stio, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Benton, Blaisdell, Blanchard, Blanchette, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cooke, Cressy, Cushing, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Gosselin, Elizabeth Greene, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, McGovern, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Scott, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Tilton, Tufts, Vartanian, Vaughn, Weddle and Wells.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Kincaid, Kinney, Lachance, Laurion, Lussier, Martling, Parks, Pelley, Proulx, Spear, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Brodeur, Cutting, Flint, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

#### NAYS 34

BELKNAP: Dexter, Golden, Jensen and Lawrence Richardson.

CARROLL: None.

CHESHIRE: Delano and David Young.

COOS: Lemire.

GRAFTON: Adams.

HILLSBOROUGH: A. Leslie Burns, Gerard Desrochers, Fields, Granger, Hatch, Healy, Lanzara, Robert Murphy, Shriver, Sullivan, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Asplund, Austin, George E. Gordon and Mary Holmes.

ROCKINGHAM: Barnes, Thomas Gage, Gourdeau, McKinney, Sytek, Warburton, Welch and Wright.

STRAFFORD: Koromilas.

SULLIVAN: Ingram, and the report was adopted.

Reps. LaMar and Hoar notified the Clerk that they wished to be recorded in favor of the Committee report.



Reps. Christy, Hammond and Scanlan offered the following:

HOUSE RESOLUTION NO. 35

commending the boys' varsity basketball team of  
Mascoma Regional High School.

WHEREAS, on March 7, 1987, the boys' varsity basketball team of Mascoma Regional High School defeated Franklin High School, 54-37, to win the Class M State Championship and boost its season record to seventeen wins against five losses, and

WHEREAS, in order to gain the prestigious title of Class M Champion, the Mascoma Regional High School boys' varsity basketball team had to overcome the burden of being seeded seventh in the State Tournament, winning four straight games, and

WHEREAS, the hard-fought victory brought to Mascoma Regional High School its very first Class M basketball title, and

WHEREAS, the 1987 Championship Team, led by Tri-Captains John Batten, Mark Boisseau, and Andy Hemmerling, had a well-balanced scoring attack, averaging seventy-one points a game, while giving up but fifty-six points per game, and

WHEREAS, the 1987 Championship Team was capably guided by Head Coach Brian Adams and Assistant Coach Mike Eno, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the boys' varsity basketball team of Mascoma Regional High School be publicly recognized and applauded on winning the 1987 Class M State Championship, and be it further

RESOLVED, that the players and coaches receive highest praise for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Mascoma Regional High School.

Unanimously adopted.

The Speaker addressed the House briefly.

With our action this afternoon, we have reached the half-way point of the session, a time when it is appropriate to pause and take a look at how we have done so far. I happen to think that the mid-term report is good.

As of today, we have met our crossover deadlines, and the credit for that belongs to you, and you alone. Some people said we couldn't do it, that there was too much work to do in too little time. But you showed restraint in the introduction of bills and resolved in getting your Committee work done on time. For that you should be congratulated.

Only about 760 bills were introduced this session, fewer than in 1985 and an average of less than two bills per legislator. This was crucial to achieving our goal of shortened session.

We have also made good use of the new Committee report of "Re-Refer to Committee." Re-Referral is a tool, not a crutch. It is a means to study complex issues and act upon them in the second session. I have directed the Chairmen of House Committees receiving light work loads from the Senate to begin working on Re-Deferred bills immediately. In this way I hope to put a dent in the 128 Re-Deferred bills before the summer.

Thanks to you, our attempts to open up the Legislative process have also been working well. The five days notice of Public Hearings mandated by the House Rules has made it easier for lawmakers to schedule the rest of their lives around the Legislative agenda. At the same time, private citizens who are interested in a bill now have the advance notice they need to attend a hearing.



I know that, with your cooperation, the rules' changes opening up Committees of Conference and Committee of Conference Reports later this session will be equally successful.

As with any change in the way things are done, there have been some bugs to work out in the new system. For example, there was the matter of bills being printed on time. Deputy Speaker Harold Burns and Chief of Staff Dick Amidon have worked on this bottleneck, and tell me that in another session it will be easily resolved. I appreciate your patience while we have ironed these problems out. In the long run, I think the result will be worth the effort.

I also believe that the staffing changes we have made are providing you with the support you need to deal with the complex issues facing the State of New Hampshire. At the same time, these changes are preserving the voluntary nature of the New Hampshire Legislature. We have a unique example of citizen government in this chamber, but it was being ground away by the ever-growing legislative demands on your time. By appointing an experienced Director of Committee Services, by beefing up the Committee Research Staff, by adding more Committee secretaries and moving Secretarial Services closer to where you work, we are striving to return to a citizen legislature whose members are citizens first and Legislators second.

In January, standing before this body, I pledged an era of openness, cooperation and accessibility in the House. I pledged that we would strengthen the volunteer Legislature and encourage participation by everyone interested in our process of writing and adopting laws for the State of New Hampshire. I have tried to keep those promises, and I have kept my door open to you and to the citizens of this State. You, in this chamber, have kept your promise to help and to guide me. I thank you for your support and I ask you to join me in a recommitment to the goals we set for ourselves at the start of this session. Working together, we can only be successful in completing our goals. Thank you.

Rep. Beverly Gage moved that the Speaker's remarks be printed in the Journal.

Adopted.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 14 at 1:00 p.m.

Adopted.

#### LATE SESSION

#### Third reading and final passage

HB 296-FN-A, establishing a department of securities and making an appropriation therefor.

HB 345-FN-A, relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor.

HB 349-FN-A, relative to special education and certified programs for children and youth in out-of-home placements.

HB 367-FN-A, establishing a study committee to examine the cooperative extension service.

HB 660-FN, relative to information services at highway rest areas and appropriating fees for these services.

HB 693-FN, relative to determining membership in the New Hampshire retirement system.

HB 696-FN, relative to interest payment calculations under the New Hampshire retirement system and making an appropriation therefor.

SB 66, relative to the office of reimbursements.

SB 133-FN, relative to immunizing children.

SB 234-FN, authorizing the commissioner of health and human services to transfer authority for operation of medical assistance programs.

HB 91-FN-A, establishing a state liquor store in the town of Londonderry and making an appropriation therefor.

HB 217, relative to nursing home care costs paid by counties.

HB 273-FN-A, relative to congregate services programs and making an appropriation therefor.

HB 300-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988, and June 30, 1989.

HB 319-FN-A, establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers and making an appropriation for the alcohol and drug abuse prevention committee.

HB 322-FN-A, relative to the AIDS virus and making an appropriation therefor.

HB 325-FN-A, relative to the distribution of sweepstakes revenues.

HB 326-FN-A, establishing homemaker services for certain persons and making an appropriation therefor.

HB 354-FN-A, relative to the Franklin-Laconia connector and making an appropriation therefor.

HB 355-FN-A, relative to the assumption of local probation functions by the state and making an appropriation therefor.

HB 370-FN-A, relative to employment opportunity.

HB 607-FN, increasing the personal needs allowance for recipients of medical assistance residing in nursing homes, shared homes, and community residences, and making an appropriation therefor.

HB 651-FN, relative to compensation of district court justices and special justices.

HB 679-FN, relative to buyers of farm products and distribution of funds to agricultural fairs, and making an appropriation to the secretary of state for a central indexing system for security interests in farm products.

HB 683-FN, relative to state employee benefits.

Rep. Palumbo moved that the House stand in recess for the purpose of introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:12 p.m.

RECESS

(Rep. Krueger in the Chair)

SENATE MESSAGE  
REQUESTS CONCURRENCE

SB 63, acquiring land on the Connecticut River and making an appropriation therefor.

SB 174, establishing a committee to study retirement system benefits.

SB 40-FN-A, relative to catastrophic aid, and making an appropriation therefor.

Rep. Appleby offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 63, 174 and 40, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS  
First, second reading and referral

SB 63, acquiring land on the Connecticut River and making an appropriation therefor. (Resources, Recreation and Development)

SB 174, establishing a committee to study retirement system benefits. (Executive Departments and Administration)

SB 40-FN-A, relative to catastrophic aid, and making an appropriation therefor. (Education)

(Speaker in the Chair)

Rep. Phelps moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 20

*Tuesday, 14Apr87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Eternal God, who offers wholeness to Your people, we pause in this season which is holy for people of Jewish and Christian traditions. Together we recall the miracles of Passover and of Easter, as Your love for Your children was made known. We remember that by Your power oppression and fear were swept away.

Remind us, O God, that You give us freedom as we seek to follow You faithfully. Make us able to listen as You speak --- free us from fear of those things we cannot know and cannot understand. And grant that we may never forget Your presence in our trials and in our rejoicing. Amen.

Rep. Daniel Eaton led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Boisvert, William Boucher, Hardy, Robert Kelley, Nagel and Rounds, the day, illness.

Reps. Schofield, Read, Spaulding, Hatch, Francis Robinson, Nixon, Mayhew, Brown, Prestipino, Dearborn, Bass, William Desrosiers, Gelinas, Behrens, Vartanian, Barbara Arnold, Proulx, Mulligan, McManus and Wagner, the day, important business.

Reps. Walter, Joseph MacDonald and McCain, the day, illness in the family.

## INTRODUCTION OF GUESTS

Eunice Kidder, guest of Reps. George Gordon, Healy and Sullivan; fourth grade class from Hanover Street School in Lebanon and their teachers, Mrs. Trottier, Wolford, Sirlin and Reny, guests of the Lebanon Delegation.

## SENATE MESSAGES REFERRED FOR INTERIM STUDY

HB 449, relative to disciplinary actions for sexual misconduct of psychotherapists and a duty to report sexual misconduct of psychotherapists.

## CONCURRENCE

HB 161-FN, relative to sunset review of the board of barbering and cosmetology.

CACR 4, relating to the amount in controversy required for a jury trial. Providing that the amount shall exceed \$1,500.

HB 236, relative to durable powers of attorney.

HB 582-FN, providing for regional conferences on highway related problems.

HB 640-FN, relative to vehicle license and registration fees, license plates and boat registrations.

HB 584-FN, relative to the special justice of the Pelham municipal court.

HB 605-FN, relative to the terms of persons committed to jails or houses of correction in default of payment of fines.

HB 677-FN, relative to a staffing plan for the new central psychiatric facility and a staffing plan for the Glencliff home for the elderly and programs in New Hampshire hospital.

#### CONCURRENCE WITH AMENDMENTS

SB 29, relative to the appointment of a caretaker for the "Old Man of the Mountain."

SB 42, relative to employees of the sweepstakes commission.

#### ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 190, relative to district court venue in landlord and tenant actions.

The President appointed Sens. Podles, White and Preston.

#### NONCONCURRENCE WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 12, relative to the operation of motors on Clarksville Pond in the town of Clarksville.

The President appointed Sens. Bond, Hounsell and Preston.

#### REQUESTS CONCURRENCE WITH AMENDMENTS

HB 547, relative to medicaid fraud and patient abuse. (Amendment printed SJ 4/9)

Rep. Sochalski moved that the House concur.

Rep. Alice Knight yielded to questions.

Adopted.

HB 435-FN, creating a committee to study head injuries in New Hampshire. (Amendment printed SJ 4/7)

Rep. Sochalski moved that the House concur and yielded to questions.

Adopted.

HB 146-FN, relative to sunset review of department of health and human services - office of the commissioner. (Amendment printed SJ 4/7)

Rep. Sochalski moved that the House concur.

Adopted.

HB 541-FN, relative to developmentally disabled persons. (Amendment printed SJ 4/7)

Rep. Sochalski moved that the House concur.

Adopted.

HB 545, establishing a task force on homelessness. (Amendment printed SJ 4/7)

Rep. Sochalski moved that the House concur.

Adopted.

HB 143-FN, relative to sunset review of the department of fish and game - law enforcement. (Amendment printed SJ 4/7)

Rep. Gerald Smith moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Jensen, Magoon, Albert Dionne and Kinney.

HB 213, relative to guardians for minors and the correction of statutory references for certain appeals. (Amendment printed SJ 4/9)

Rep. Robert Jones moved that the House concur.

Adopted.

HB 45, relative to maternity and infancy. (Amendment printed SJ 4/7)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference.

Rep. Knight yielded to questions.

Adopted.

The Speaker appointed Reps. Wilson, Sochalski, Austin and Sullivan.

#### TWO-LEGISLATIVE-DAY EXTENSION GRANTED

Rep. Fraser moved that the Committee on Commerce, Small Business and Consumer Affairs be granted a two-legislative day extension on SB 8, granting counties the authority to acquire and operate public utilities.

#### ENROLLED BILLS AMENDMENTS

SB 214, relative to the allocation of the state's tax-exempt private activity bond limit.

##### Amendment

Amend the bill by replacing line 16 on page 4 with the following:

obligations or certificates requiring state ceiling, the governor may by

Amend the bill by replacing line 20 on page 4 with the following:

affect any assignment, allocation, transfer or carryforward made by either

Amend the bill by replacing line 25 on page 5 with the following:

incident to and necessary or convenient to carry out its corporate purposes

This amendment corrects 2 typographical errors in sections 1 and 2 of the bill. The amendment also corrects a grammatical error in section 1 of the bill.

Adopted.

SB 123, amending ward lines for the city of Portsmouth.

##### Amendment

Amend the bill by replacing line 18 on page 4 with the following:

amending ward lines for the city of Portsmouth passed at the 1987

Amend the bill by replacing line 3 on page 5 with the following:



## 5 Effective Date.

The amendment corrects a typographical error in punctuation and renumbers a bill section.

Adopted.

## ENROLLED BILLS REPORT

SB 35, relative to the filing of capital improvement plans by municipalities and the effect of failure to file.

SB 141, naming the interstate bridge between New Hampshire and Maine the Sara Mildred Long Bridge.

SB 143, reestablishing an advisory committee on state economic development and local population growth.

SB 223, authorizing a New Hampshire technical institute security force.

HB 78, relative to flying the POW-MIA flag over the state house.

HB 94, relative to real estate attachments.

HB 99, relative to district court sessions in towns within a district.

HB 275, establishing a public investments study committee.

HB 328, relative to business profits tax liens.

HB 426, allowing the rendition pursuant to the Interstate Compact on Juveniles of a juvenile charged with delinquency.

HB 431, relative to treasury deposits.

HB 565, relative to off highway recreational vehicles.

Rep. Raymond C. Buckley, II

Sen. John P.H. Chandler, Jr.

For the Committee.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

SB 172-FN, regulating the taking of certain wildflowers and plants in New Hampshire. Ought to Pass with Amendment.

This bill directs the creation of a list of New Hampshire's rare and endangered species of plants and forbids digging or destroying them without a written permit. All state agencies and departments are required to cooperate. A landowner's actions on his own property is unaffected. Violation of any provision of this bill, or if rules developed under its authority, will be prosecuted as a criminal act. The Committee amendment makes this act effective upon passage. Vote 16-0. Rep. Harry E. Flanders for Environment and Agriculture.

Amendment

Amend section 2 of the bill by replacing it with the following:

2 Effective Date. This act shall take effect upon its passage.

SB 186-FN, establishing a current use assessment study committee. Inexpedient to Legislate.

Senate Bill 186, as amended, duplicates work in progress by the Current Use Advisory Board. Except for the sponsor, all testimony from the Current Use Advisory Board, New Hampshire Timberlands Association, and S.P.A.C.E., was negative. Administrative details should be the prerogative of the Current Use Advisory Board rather than the Legislature. Vote 14-0. Rep. J. Lisbeth Olimpio for Environment and Agriculture.

SB 101, relative to political campaign contributions by state employees. Ought to Pass.

Present law prohibits the coercion or solicitation of classified state employees to make political contributions. This bill limits the prohibition to coercion of such employees. Vote 15-0. Rep. Ann M. Torr for Executive Departments and Administration.

SB 148, relative to procedures for distribution of certain federal funds allocated to the state. Ought to Pass.

It was the opinion of the Committee that because of the funds, as compiled in the New Hampshire Petroleum Violation Escrow Funds Report, was of such a large sum that the disposition of this money should be appropriated through the legislative process. Vote 15-0. Rep. William F. McCain for Executive Departments and Administration.

Referred to Appropriations.

SB 170-FN, relative to licensure of mental health professionals. Re-Refer to Committee.

This bill addresses the initial results of a task force study. The sponsor and others testifying feel that fine-tuning after the completion of the report by the task force is in order and the Committee agrees unanimously. Vote 16-0. Rep. William F. McCain for Executive Departments and Administration.

SB 19, relative to the liability of a trapper for an unlicensed dog and the trapper's report of catch. Inexpedient to Legislate. Senate Bill 19, as amended in the Senate, would in addition to relieving a trapper from any liability caused by his trap injuring or damaging an unlicensed dog, require the reporting of catch and disposition of all domestic animals. Present law holds trappers liable for injury or damage to domestic animals. Hearing testimony, this Committee opposed the bill, as amended. Vote 13-0. Rep. Jack H. Schofield for Fish and Game.

SB 58, granting Cheshire Fair security guards the authority to detain persons on Cheshire Fair property. Ought to Pass with Amendment. We take great pride in the operation of our county fairs, many have been in existence for more than a century. They are largely family, youth and child-oriented for spectator pleasure, and for participation by young people in beneficial agricultural pursuits. All who attend county fairs are entitled to a peaceful atmosphere, without rowdiness, intemperance and profane language. This legislation, which is permissive, authorizes county fairs to adopt measures to maintain a peaceful atmosphere and, if necessary, to detain persons creating a disturbance until the arrival of qualified peace officers. Vote 10-1. Rep. David A. Welch for Public Protection and Veterans Affairs.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to detention powers of county fair security guards.

Amend the bill by striking out all after the enacting clause and replacing it with the following:

1 New Section; Detention Powers of County Fair Security Guards.  
Amend RSA 627 by inserting after section 8-a the following new section:

627:8-b Detention Powers of County Fair Security Guards.

I. Any county fair security guard who meets the requirements of paragraph II shall have the power to detain any person who he has reasonable grounds to believe has committed any offense under the laws of the state, on the premises of the county fair association as long as necessary to surrender the person to a peace officer, provided such detention is accomplished in a reasonable manner.

II. Only security guards who have completed a program of police training for part-time police officers, meeting standards established by the New Hampshire police standards and training council pursuant to RSA 188-F:26 and appropriate to a security guard's exercise of limited police powers, shall have the powers of detention granted in paragraph I.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill, as amended, permits county fair security guards who have completed a training program for part-time police officers, limited power to detain persons who commit offenses on fair grounds.

SB 195-FN, relative to nonprofit housing projects and the Senior Citizens Housing Development Corporation of Claremont, Inc. Ought to Pass.

This bill came about because the Department of Housing and Urban Development (HUD) issued a directive preventing their housing projects in the State from making any payments in lieu of taxes to the local communities in which HUD projects were located. Senate Bill 195 mandates that such projects are now required by law to make a payment, the amount of which is to be determined by the municipality and the project, or if no agreement is reached, the payment is set according to a formula described in the bill. Vote 10-0. Rep. Deborah L. Arnesen for State Institutions and Housing.

Reps. Palumbo and Chambers offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives is ready to meet with the Honorable Senate in Joint Convention at 1:35 p.m. for the purpose of hearing former Governor Bruce Babbitt address the Convention and for the purpose of hearing Chief Justice Brock present his message on the state of the Judiciary.

Adopted.

#### COMMITTEE REPORTS (Regular Calendar)

SB 90, relative to amusement parks. Majority: Ought to Pass.  
Minority: Inexpedient to Legislate.

MAJORITY: This issue has been studied by the Subcommittee and full Committee. The overwhelming majority of the Committee believes that this bill addresses an urgent need. If the bill does not pass, many small businesses throughout New Hampshire will no longer be able to operate. The bill allows the minimum insurance coverage for fixed operators, (local New Hampshire businesses with historically very low accident rates) to drop to a more reasonable level of \$100,000/\$300,000. These local businesses cannot afford or find the present coverage of \$300,000/\$1,000,000 as testified by the Insurance Department. Vote 12-3. Rep. Raymond C. Buckley, II for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: The feeling of the members voting against this bill was that there should not be any difference in liability minimums between fixed base and mobile amusement parks. It was the feeling of the

minority that the larger fixed base amusement parks would not lower their liability insurance, leaving only a few go cart operators left to deal with getting the proper insurance. The minority feels the "go cart" people should get together and lobby the insurance companies to work out affordable insurance, and not ask the legislators to put the citizens of New Hampshire and tourists at risk. Reps. Paul R. Dionne, A. Leslie Burns and Geraldine G. Watson for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Fraser moved that SB 90 be recommitted to the Committee on Commerce, Small Business and Consumer Affairs and spoke to his motion. Adopted.

SB 159, relative to the regulation of gasoline franchises.  
Inexpedient to Legislate.

The majority of the Committee agreed that this bill could have a negative effect on tourism, that the abuse of commissioned agents (who rent, do not own, the gas stations) was not widespread and that SB 159 could cause more problems than it is designed to solve at the present time. Vote 11-2. Rep. Sara M. Townsend for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

#### JOINT CONVENTION (Speaker presiding)

The Speaker introduced the former Governor of Arizona, Governor Bruce Babbitt, who addressed the House briefly.

The Speaker introduced Chief Justice David Brock who addressed the House briefly.

President Bartlett, Speaker Scamman, distinguished members of the General Court and friends. Thank you for the opportunity to address you on the state of the New Hampshire Judiciary. As you know, this is the first occasion that I have had as Chief Justice, to speak to you on behalf of the Judiciary, and it is with considerable pleasure and pride that I do so. As we near the bicentennial celebration of the ratification of our Federal Constitution, an event in which New Hampshire played a deciding role, we are reminded of the uniqueness of the system of government created by our founding fathers. Ours is a system in which the exercise of governmental power is divided among three separate, but coequal branches, each serving as a check on the exercise of power by the other two. And each needing the cooperation and the assistance of the others to serve the people effectively and to preserve the rights reserved to them under our State and Federal Constitutions. Occasions such as this, provide an opportunity to get to know each other better. Not only as representatives of our respective branches of government, but as individuals. For only if we communicate with each other, and better understand the differences in our respective roles, can we establish the mutual respect and spirit of cooperation that is so essential to a government that serves the people well. Let me first set the stage by giving you a few facts so that you can better understand the work of the court system and the resources available to it. In 1986, the work of the Judiciary branch was performed in seventy-three court locations by less than six hundred full and part-time judges and support staff with an appropriation that constituted only 1.7 percent of the total state budget. In 1986, more than four hundred twenty-five thousand cases were filed in our court system. New cases in the district and municipal courts, soared to a record three hundred seventy thousand, an increase of



25 percent in the five years since 1981. In 1986, the Superior Court received twenty-seven thousand new cases, disposed of twenty-six thousand cases and had thirty thousand cases pending at the year's end. Of concern to us is the fact that since 1983, criminal, civil and domestic relations' cases filed in the Superior Court have increased 15 percent, 20 percent and 13 percent respectively. One of the most important roles of the Judicial Branch is to provide our citizens with an impartial forum for resolving their problems and disputes. A forum that is readily accessible and capable of resolving controversies in a timely, economical fair fashion. With this in mind, I'd like to tell you what the Judicial Branch in New Hampshire has done, is doing, and hopes to do, in fulfilling its constitutional responsibilities. Two dramatic changes in the structure of the Judicial Branch, one constitutional and one legislative, took place during the past ten years. In 1978, the voters amended our State Constitution, part II, article 73a, designating the Chief Justice of the Supreme Court, as the administrative head of all the courts and giving the Supreme Court the power to promulgate rules for all the courts in the State. Five years later, in 1983, after careful study and preparation, HB 200, State Financing of the Court System, was enacted. While many doubted that it would work. Just three years after the enactment of HB 200, the wisdom of your decision is clear. The transition to State financing has occurred without major problems and we now have a Court System that is both operationally and economically more accountable and efficient. Court operations have been systematically modernized through automation of court procedures, improved records management, the application of new technology, central purchasing and standardized financial and personnel procedures. District Courts no longer automatically become full-time when their caseloads reach a certain number, nor do full-time District Judges and their staff resist assignments in other District Courts. While unification should not be perceived as a cure-all for all administrative ills, it has resulted in a more equitable distribution and use of judicial resources. Fostered, for operational efficiency and facilitated more consistent levels of service among our seventy-three courts. Another benefit in State funding of the Court System that should not be overlooked is that since 1984 it has resulted in a reduction of more than 16 million dollars in county assessments against local real estate property taxes. Similarly, towns and cities have been relieved of the burden of paying for District and Municipal Courts located in their communities. I suggest that this represents a very tangible example of property tax relief, for which the legislative and executive branches of State government deserve credit. Since the Legislature and the Governor committed themselves to State funding and unification of the Judicial Branch, the Supreme Court has taken steps to insure greater uniformity in the procedures employed in our courts. In January 1985, the court established the Supreme Court Rules Advisory Committee. Its members include representatives of the various courts, lawyers and the public. Not only does the existence of this Committee insure greater uniformity in the rules of all our courts, but it also provides a regular schedule for consideration of proposals for change and the valuation of existing rules. The new rule making procedures assured better liaison with the executive and legislative branches, and greater public input and consideration before new rules are adopted. Nowhere is the need for continuing education more important than it is within the Judicial Branch. In recognition of this, in 1979, the Supreme Court adopted rule 45, requiring all judges and clerks in the state to participate in continuing legal education programs. All full-time judges, within two years of their appointment, are required to attend the General Jurisdiction Course of the National Judicial College. All judges and clerks participate annually in in-state educational programs. Additionally, judicial bench books and a video library are maintained to insure that our judges have the most current information available. The Judiciary System that serves the public well, is

predicated upon a knowledgeable judiciary. Through our continuing education efforts, New Hampshire's Judiciary will continue to be knowledgeable. In 1977, recognizing the need for judicial accountability and a forum for consideration of complaints against judges, the Supreme Court established a Judicial Conduct Committee. The seven-member Committee, with judicial, public and attorney representation, presently processes between thirty and forty complaints a year. It is our good fortune, that we can still assert that scandal has never infected the judiciary of our State. Last November, the Supreme Court appointed a Committee to explore the feasibility of adopting a Judicial Evaluation Program in our State. This program, which would involve peer review, self-improvement, and input from persons who appear before a judge, would address judicial problems that do not rise to the level of misconduct, but, nevertheless, affect their productivity and effectiveness in the administration of justice. I understand that this Committee, chaired by Justice Batchelder, will be filing its recommendations with the Supreme Court in June of this year. Our State Constitution calls for the timely resolution of disputes, for it has long been recognized that justice delayed is justice denied. Notwithstanding our continued attention, I regret to report that our efforts during the past few years to reduce delay in case processing, to reduce case backlog, and to implement more efficient scheduling techniques have met with only limited success. Backlog is particularly a problem in a civil area. In our larger counties, it is not uncommon for litigants to wait two, three, four years for a jury trial to be available to them. I assure you that this problem has our continuing attention and we have recently approved several innovative programs, of an experimental nature, to address these problems. On January 1, of this year, rules which we believe will encourage the early settlement of civil cases providing for six-person summary jury trials in mandatory arbitration hearings were adopted and they will be tested in the Rockingham County and Hillsborough County Superior Courts this year. Additionally, Chief Justice Dunfee of the Superior Court, has recently developed an individual calendar project to provide improved management of the Court caseload in Hillsborough County. This project involves early and continuous court control and monitoring of cases, and if successful, should resolve in a more efficient and timely processing of cases and certainly in case scheduling. New Hampshire has long recognized that adequate court facilities are essential to the effect of our operation of courts. In 1973, the Legislature established the first Court Accreditation Commission in the nation. In 1983, legislation creating a Facilities Escrow Fund was adopted, and in 1985, the State assumed financial responsibility for providing court facilities, relieving counties and municipalities of that burden. This progression, in court facilities' legislation, over the past decade has resulted in the adoption of facilities spent, space requirements, and more recently, in the development of a long-range court facilities' plan. We are in the process of developing a long-range court facilities capital improvement plan that we will present to you for your consideration next year. At the present time, however, we consider Hillsborough County, the city of Concord, Coos County, and Rockingham County, as having the most urgent facility needs and as you know, we have asked for funds in this year's capital budget for construction of the new Superior Court facility in Nashua on land that is being given to the state by the city of Nashua. The State currently enjoys an unprecedented rate of growth and benefits from the vigorous economic climate and low unemployment. Some less desirable and obvious consequences of this are increased litigation and a greater demand for court services. Prior to 1984, New Hampshire paid little attention to the need for court security. However, the State's rapid growth requires a reevaluation of the need for improved security. In 1984, the Supreme Court established a Commission on Court Security. After considerable study and investigation, the Commission issued its final report in



February of 1986. The report contained nine standards relating to court security. Recently, two walk-through metal detectors were installed in Hillsborough and Rockingham County Superior Courts. In the month of February alone, ten handguns, three hundred seventy knives, three razors, and other weapons were taken from persons entering Hillsborough County Court. Two weeks ago, the Courthouse had to be cleared in response to a bomb threat. Although we have been fortunate not to have had a serious security incident to date, the risk of violence in our courts, militates in favor of strengthening our efforts to provide adequate security for the judiciary, court personnel and the public. During this legislative session, we are asking that you consider two bills dealing with the subject of compensation for part-time judges. The first, HB 651, arises out of the need to change the formula now used to compute the salary for part-time District and Municipal Court Judges. The current formula, based largely on the number of motor vehicle violations' cases filed in a particular court, more than 90 percent of which, never require judicial attention, is simply no longer relevant in accessing the workload of part-time judges, and has resulted in serious inequities in the compensation provided District and Municipal Judges. The second bill, HB 345, results from a decision of the Supreme Court, holding that the receipt of special session fees as compensation by Probate Judges was unconstitutional. The impact of this decision was to reduce Probate Judges' salaries by as much as 60 percent. Revising the current methods of compensation for part-time District, Municipal and Probate Judges is essential. As each legislative body considers the specific proposals, we hope that you will conclude that salaries for part-time Judges should be proportionate to those paid full-time Judges. The compensation for part-time Judges should be based on a weighted caseload method reflective of the actual time worked rather than the number of cases. That the concept of establishing a maximum compensation ceiling should be retained for part-time Judges and the Supreme Court should continue to be authorized to create full-time courts as criteria dictates. And, lastly, that any system of compensation for part-time Judges be tied to cost-of-living increases provided other members of the judiciary to insure that compensation plans do not become outdated within a few years. We are pleased that the House has passed HB 651 and HB 345, both of which embody these factors, and we hope that these bills will enjoy your continued support. Four years ago, while the Legislature was considering the passage of HB 200, Chief Justice King, on behalf of the Judiciary, pledged to eliminate the use of Masters to hear marital cases if ten additional Superior Court Judges, Judgeships, were created. Although the number of Masters assigned to hear marital cases has been reduced from 15 to 5 since that pledge was made, we have been unable to completely fulfill our promise. Our inability to achieve this goal, results from a number of factors, most significantly of which appear to be, burgeoning caseloads, delays incident to the appointment process of new judges and perhaps our own misgivings as to the appropriate method of resolving domestic disputes. In retrospect, the courts pledge to eliminate Marital Masters may have been premature. In part, because our projections as to the number of additional judgeships needed, may have been incorrect. But, as importantly, because a more fundamental question should be answered before we completely dismantle the Marital Masters system. Central to the issues which we need to resolve in this regard, is the question of whether some forum other than the Superior Court is more appropriate for resolving disputes that arise out of the marital and family relationship. The court system is presently inundated with a new generation of domestic relation cases that includes not only traditional petitions for temporary relief, support, alimony and custody, but frequent petitions for modifications of decrees, domestic violence complaint, child abuse and neglect petitions, petitions for termination of parental rights and other juvenile matters.

It seems increasingly clear, that the adversary system upon which our judiciary system is predicated does not lend itself to the efficient and fair resolution of all disputes arising out of the family relationship, but to the contrary, often serves only to prolong and exasperate the disputes. As with any institution, the judiciary must regularly assess its performance to insure that it continues to provide the quality of service expected and deserved by the public. Just as the organization of family law jurisdiction should be examined, so too, should the operations of the courts in general. Without periodic re-examination, we become complacent and often lose sight of the mission at hand. While I strongly believe it is important the judiciary consolidate the gains achieved during the past decade, I'm also reminded of Thomas Jefferson's caution, that institutions must advance to keep pace with the time. In 1974, then Chief Justice, Frank R. Kenison, directed that a comprehensive study of the court system be undertaken. Three years later, a report containing over one hundred standards and goals for the improvement of the court system was released. That report provided a blueprint for court change. In an effort to follow through in the legacy of Chief Justice Kenison, and to develop a clear focus for the Judicial Branch into the twenty-first century, I will soon recommend that a new planning effort be undertaken, seeking the advice of members of the Judicial Branch, Legislators, public officials and members of the public as to what direction the courts should take as we move into the twenty-first century. I would like to conclude my remarks by observing that legislation providing for a formal, oral or written address to the legislature, to each session of the legislature, by the Chief Justice of the New Hampshire Supreme Court, took effect on August 29, 1971. As a reminder that time does not stand still, you may consider that on that date, Walter Peterson was Governor. There were ten, not twenty-four Superior Court Justices, Norris Cotton and Tom McIntire were our United States Senators. The State population was 739,000. The Dow-Jones Industrial average closed at 906. And yes, Bernie Streeter was the Executive Councilor from District 4. A lot of water has gone over the dam in the meantime. The function of the judiciary and the demands upon it, have not escaped changes. The relationships between the individual citizen and the government, as well as the relationships between the individual citizen and his or her neighbors have seemingly become more sophisticated and complex, leaving society to seek resolution of more and more of its problems by the machinery of the judicial branch of government. Whether this is good or bad remains to be seen. It is a fact, nevertheless, cases involving such issues as toxic waste, slow growth ordinances, complicated utilities, financing reviews and the visitation rights of baby M were not readily foreseeable in the recent past. We heartily accept these challenges, but if society is going to give us more and more of its problems to resolve, we must call upon the coequal branches to give us the resources to meet the challenge. We need good judges, able and experienced, who command respect and trust as well as adequate funding for the Judicial Branch. Working together, we will strive to give our citizens the justice which is theirs by constitutional right. Thank you. Thank you for your support.

Rep. Palumbo and Sen. Dupont moved that the Joint Convention arise.  
Adopted.

The Joint Convention adjourned.

HOUSE

(Speaker in the Chair)

COMMITTEE REPORTS (cont.)

SB 24, prohibiting abortions in the third trimester of pregnancy.  
Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The Majority of the Committee felt that this bill makes no sense. Abortion is defined as termination of a pregnancy, spontaneous or induced, before the fetus is capable of survival outside the mother. No induced abortions are carried out during this period, because the fetus is often capable of surviving. If a lethal fetal condition exists to the mother, then sometimes termination of pregnancy is recommended and requested. If the intention of this bill is to prolong an abnormal pregnancy, carrying a fetus that will ultimately die is cruel and makes no sense. This bill would also force the State into a difficult and sensitive decision process between the patient and the physician. Vote 10-7. Rep. Marion L. Copenhaver for the Majority of Health and Human Services.

MINORITY: The minority believes that most ethical physicians would not perform an abortion this late in pregnancy, but this bill protects the women who get involved with an unethical physician. The minority also believes that no one could deny that a fetus is NOW a baby after 6 months, since a premature delivery usually results in a child. This bill does protect the life of the mother when in danger. Reps. Nancy G. Frank, Mary J. Sullivan and Guy R. Granger, Jr., for the Minority of Health and Human Services.

Rep. Wilson spoke in favor of the Majority report.  
Resolution adopted.

SB 25, establishing that human life begins at conception. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: No one seems to really know when life begins for sure. It has been debated many times. The answer will not come from a bill passed into law by this state. The Committee majority felt that this bill is unnecessary. Vote 10-7. Rep. Robert M. Gilbreth for the Majority of Health and Human Services.

MINORITY: The Minority feels that life begins at conception. Studies over the years show that this is true. Test tube babies are the latest evidence that life begins at conception. The Chinese have for many years added a year to the birthday of a child, because they believe that the child is alive at conception. A child at conception is life at the youngest stage and a senior citizen at the most mature stage. Seven members of the Committee supported this bill. Reps. Guy R. Granger, Jr., Mary C. Holmes, Mary J. Sullivan and Nancy C. Frank for the Minority of Health and Human Services.

Rep. Granger moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Scott Green and Walter Robinson spoke against the motion.  
A roll call was requested. Sufficiently seconded.

YEAS 69 NAYS 265  
YEAS 69

BELKNAP: Bolduc, Dexter, Golden and Jensen.

CHESHIRE: Daschbach, Delano and Pierce.

COOS: Brady, Coulombe, Guay, Marsh and Theriault.

GRAFTON: Driscoll, Hammond and Howard Townsend.

HILLSBOROUGH: A. Leslie Burns, Champagne, Chretien, Cid, Cox, Cusson, Gerard Desrochers, Paul Dionne, Donovan, Frank, Gagnon, Granger, Grip, Healy, Holden, Chris Jacobson, Cornelius Keane, Keefe, Leclerc, Magee,

Paquette, Pariseau, Reidy, Routhier, Shriver, Sullivan, Vanderlosk, Emma Wheeler, Kenneth Wheeler, Winn and Zajdel.

MERRIMACK: George E. Gordon, Mary Holmes and Doris Riley.

ROCKINGHAM: Barnes, Lawrence A. Chase, Jr., Cooke, Hynes, Joyce, Roger King, Ritzo, Schwaner, Sochalski, Sytek, Tilton, Walker and Welch.

STRAFFORD: Bernard, Albert Dionne and Lussier.

SULLIVAN: D'Amante, Domini, Ingram and Rodeschin.

NAYS 265

BELKNAP: Bowler, Richard Campbell, Malcolm Harrington, Hawkins, Holbrook, Maviglio, Pearson, Lawrence Richardson, Thurston, Turner and Wixson.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Powers and Saunders.

CHESHIRE: Blacketor, Clark, Cole, Jesse Davis, Doucette, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Morse, Parker, Perry, Ramsay, William Riley, Sawyer, Schwartz and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Horton, Kilbride, Lemire, Nelson, Oleson and Purrington.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Crystal, Densmore, Michael King, Wayne King, LaMott, Lougee, Ezra Mann, Scanlan, Stewart, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Baker, Baldizar, Lionel Boucher, Bourque, Boutwell, Bowers, Buckley, Burkush, Cote, Cowenhoven, Daigle, Ann Derosier, William Dion, Domaingue, Drolet, Dube, Ducharme, Dupont, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Ruth Gage, Genest, Scott Green, Guilbert, Betty Hall, Marian Harrington, Humphrey, Michael Jones, Donna Kelly, Alice Knight, Korcoulis, Kurk, Lefebvre, Levesque, Long, Lown, Lozeau, Mason, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Robert Murphy, O'Rourke, Packard, Pappas, Perham, Pignatelli, Price, Reardon, Herbert Richardson, Ellen-Ann Robinson, Rodgers, Sallada, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Tarpley, Turgeon, Ware, Watson, Wood and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Cahill, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Merton Mann, Millard, Nichols, Phelps, Provencal, Rehlander, Walter Robinson, Gerald Smith, Stio, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Benton, Blaisdell, Blanchard, Buco, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cressy, Cushing, Drake, Felch, Fesh, Flanagan, John Flanders, Bert Ford, Thomas Gage, Gosselin, Elizabeth Greene, Haynes, Hollingworth, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, McGovern, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Rosencrantz, Sanderson, Schmidtchen, Seward, Sherburne, Skinner, Splaine, Tufts, Vaughn, Warburton, Wells and Woodward.

STRAFFORD: Appleby, Bates, Callaghan, Casey, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Sandra Keans,



Kincaid, Kinney, Koromilas, Lachance, Laurion, Martling, Parks, Pelley, Spear, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Brodeur, Cutting, Flint, Krueger, Lindblade, Normandin, Peyron, Schotanus and Sara Townsend, and the motion lost.

Rep. Hoar notified the Clerk that he wished to be recorded in favor of the Majority report.

Resolution adopted.

SB 124-FN, prohibiting abortions performed on certain minors without parental consent. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The Committee Majority felt that this bill is an impediment to the right of abortion guaranteed in the Roe vs. Wade decision. A girl could find herself in an untenable situation dragged into court, and thereby increasing the stress of an already traumatic situation. Unfortunately, some parents do not have their daughters' confidence or respect. The world of reality contains some parents unable or unwilling to give the needed support. Vote 12-5. Rep. Robert M. Gilbreth for the Majority of Health and Human Services.

MINORITY: Are we making laws for the majority or the minority of parents? Parents have an interest in the well-being of their children under 18 who have not married or live away from home. They would like to know, to counsel and comfort the daughter who is thinking of going to an abortion clinic. They would like to have a second opinion to make sure she really is pregnant. There are many conditions that mirror pregnancy such as excessive exercise or a tumor of the pituitary gland. We have added 10 judges in the last 4 years, and Judge Dunfey started the Marital Masters program and he could also do a similar action on hearing for the under 18 girls. Parents have rights that we should not erode by law. Reps. Mary J. Sullivan, Guy R. Granger, Jr., and Nancy G. Frank for the Minority of Health and Human Services.

Rep. Sullivan moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to her motion and yielded to questions.

Reps. Gilbreth and Copenhaver spoke against the motion.

Rep. Welch spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 103 NAYS 233

YEAS 103

BELKNAP: Bolduc, Dexter, Golden, Jensen and Lawrence Richardson.

CARROLL: Gene Chandler and Dickinson.

CHESHIRE: Cole, Daschbach, Delano, Irvin Gordon, Perry, Pierce, Sawyer and David Young.

COOS: Brady, Coulombe, Guay, Marsh and Theriault.

GRAFTON: Driscoll, Hammond, Howard Townsend and Ward.

HILLSBOROUGH: Ahrens, Baker, Beaupre, Bourque, Bowers, Champagne, Chretien, Cid, Cox, Cusson, Gerard Desrochers, Domainque, Donovan, Drolet, Ducharme, Frank, Ruth Gage, Gagnon, Genest, Granger, Healy, Holden, Chris Jacobson, Cornelius Keane, Keefe, Leclerc, Lefebvre, Levesque, McGlynn, Pariseau, Reidy, Herbert Richardson, Routhier, Schneiderat, Sullivan, Vanderlosk, Emma Wheeler, Kennetn Wheeler, Winn and Zajdel.

MERRIMACK: Asplund, Austin, George E. Gordon, Mary Holmes, Provencal, Doris Riley and West.

ROCKINGHAM: Barnes, Benton, Lawrence A. Chase, Jr., Cooke, John Flanders, Haynes, Hynes, Robert Johnson, Joyce, Phyllis Katsakiores, Mace, Ritzo, Schwaner, Sochalski, Sytek, Tilton, Walker, Warburton and Welch.

STRAFFORD: Dingle, Albert Dionne, Kincaid, Koromilas, Lachance, Lussier and Pelley.

SULLIVAN: Brodeur, D'Amante, Domini, Flint, Ingram and Rodeschin.

## NAYS 233

BELKNAP: Bowler, Richard Campbell, Malcolm Harrington, Hawkins, Holbrook, Maviglio, Pearson, Thurston, Turner and Wixson.

CARROLL: Allard, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Powers and Saunders.

CHESHIRE: Blacketor, Clark, Jesse Davis, Doucette, Daniel Eaton, Foster, Frink, Grodin, Hunt, LaMar, Matson, Morse, Parker, Ramsay, William Riley and Schwartz.

COOS: Brungot, Harold Burns, Frederic Foss, Horton, Kilbride, Lemire, Nelson, Oleson and Purrington.

GRAFTON: Adams, Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crystal, Densmore, Michael King, Wayne King, LaMott, Lougee, Ezra Mann, Scanlan, Stewart, Wadsworth, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Baldizar, Lionel Boucher, Boutwell, Buckley, Burkush, A. Leslie Burns, Cote, Cowenhoven, Daigle, Ann Derosier, William Dion, Paul Dionne, Dube, Dupont, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Scott Green, Grip, Guilbert, Betty Hall, Marian Harrington, Humphrey, Michael Jones, Donna Kelly, Alice Knight, Korcoulis, Kurk, Long, Lown, Lozeau, Mason, Bonnie McCann, McRae, Messier, Moore, Morrisette, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Perham, Pignatelli, Price, Reardon, Ellen-Ann Robinson, Rodgers, Sallada, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Tarpley, Turgeon, Ware, Watson, Wood and Zis.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Cahill, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hager, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Merton Mann, Millard, Nichols, Phelps, Rehlander, Walter Robinson, Gerald Smith, Stio, Tupper, Wallner, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Blaisdell, Blanchard, blanchette, Buco, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cressy, Cushing, Drake, Felch, Fesh, Flanagan, Bert Ford, Thomas Gage, Gosselin, Elizabeth Greene, Hollingworth, George Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Magoon, Malcolm, McGovern, McKinney, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Rosencrantz, Sanderson, Schmidtchen, Seward, Sherburne, Skinner, Splaine, Tufts, Vaughn, Wells and Woodward.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Chamberlin, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Sandra Keans, Kinney, Laurion, Martling, Parks, Spear, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.



SULLIVAN: Cutting, Krueger, Lindblade, Normandin, Peyron, Schotanus and Sara Townsend, and the motion lost.

Rep. Hoar notified the Clerk that he wished to be recorded in favor of the Majority report.

Resolution adopted.

SB 127, regulating abortions. Without Recommendation.

This bill requires that all abortions after viability be performed only in health facilities licensed under RSA 151, and only by physicians licensed under RSA 329. Abortions involving a viable fetus shall only be performed with a second licensed physician present to save the life of the fetus, unless a medical emergency exists. The bill further requires the Department of Health and Human Services to provide forms to physicians who act in a medical emergency, so that they may certify the basis for the judgment that a medical emergency existed.

A knowing or intentional violation of the procedure requirements constitutes a class B felony.

The motion of Ought to Pass was taken first and resulted in a 9 to 9 vote. The second motion of Inexpedient to Legislate also ended in a 9 to 9 tie. The Health and Human Services Committee does not have a majority opinion, therefore, it brings Senate Bill 127 to the floor of the House without a recommendation. Rep. Matthew M. Sochalski for Health and Human Services.

Rep. Frank moved that SB 127 be reported, Ought to Pass, and spoke to her motion.

Rep. Bates moved that SB 127 be laid upon the table.

A roll call was requested. Sufficiently seconded.

YEAS 209 NAYS 124

YEAS 209

BELKNAP: Bowler, Hawkins, Holbrook, Maviglio, Pearson, Thurston and Wixson.

CARROLL: Allard, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Olimpio, Powers and Saunders.

CHESHIRE: Clark, Cole, Jesse Davis, Delano, Doucette, Daniel Eaton, Foster, Irvin Gordon, Grodin, LaMar, Matson, Pierce, Ramsay, William Riley, Schwartz and David Young.

COOS: Brady, Brungot, Harold Burns, Frederic Foss, Horton, Kilbride, Nelson, Oleson and Purrington.

GRAFTON: Adams, Arnesen, Bennett, Chambers, Copenhaver, Crystal, Densmore, Michael King, Wayne King, LaMott, Lougee, Ezra Mann, Scanlan, Stewart, Wadsworth and Weymouth.

HILLSBOROUGH: Ahern, Ahrens, Boutwell, Burkush, Cid, Cote, Cusson, Ann Derosier, Gerard Desrochers, William Dion, Drolet, Dube, Ducharme, Dupont, Clyde Eaton, Nancy Ford, Gagnon, Genest, Scott Green, Grip, Guilbert, Betty Hall, Marian Harrington, Humphrey, Michael Jones, Donna Kelly, Alice Knight, Korcoulis, Leclerc, Levesque, Long, Mason, McGlynn, McRae, Messier, Morrisette, Robert Murphy, O'Rourke, Pappas, Paquette, Pignatelli, Reardon, Ellen-Ann Robinson, Rodgers, Sallada, Schneiderat, Leonard Smith, Steiner, Stiles, Stonner, Vanderlosk, Ware, Watson, Winn, Wood and Zajdel.

MERRIMACK: Asplund, Bardsley, Cahill, James Chandler, Fillion, Fraser, Gilbreth, Hager, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Millard, Nichols, Phelps, Provencal, Rehlander, Gerald Smith, Stio, Tupper, Wallner, West and Yeaton.

ROCKINGHAM: Benton, Blaisdell, Blanchette, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cressy, Cushing, Drake, Felch, Fesh, Flanagan, John Flanders, Bert Ford, Thomas Gage, Gosselin, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Magoon, Malcolm, McGovern, McKinney, Newell, Palumbo, Pantelakos, Parr, Pevear, Rosencrantz, Sanderson, Schmidtchen, Seward, Sherburne, Splaine, Tufts, Vaughn, Wells and Woodward.

STRAFFORD: Appleby, Bates, Casey, Chamberlin, Anita Flynn, Edward Flynn, Patricia Foss, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Lachance, Martling, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Brodeur, Cutting, Flint, Krueger, Normandin, Schotanus and Sara Townsend.

#### NAYS 124

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Malcolm Harrington, Jensen, Lawrence Richardson and Turner.

CARROLL: Gene Chandler and Hounsell.

CHESHIRE: Daschbach, Hunt, Morse, Parker, Perry and Sawyer.

COOS: Coulombe, Guay, Marsh and Theriault.

GRAFTON: Bean, Blair, Christy, Driscoll, Hammond, Howard Townsend, Ward and Whitcomb.

HILLSBOROUGH: Alukonis, Baker, Baldizar, Beaupre, Lionel Boucher, Bourque, Bowers, Buckley, A. Leslie Burns, Champagne, Chretien, Cowenhoven, Cox, Daigle, Paul Dionne, Domainque, Donovan, Dwyer, Dykstra, Joseph M. Eaton, Fields, Frank, Ruth Gage, Granger, Healy, Holden, Chris Jacobson, Cornelius Keane, Keefe, Kurk, Lefebvre, Lown, Lozeau, Magee, Bonnie McCann, Moore, Packard, Pariseau, Perham, Price, Reidy, Herbert Richardson, Routhier, Shriver, Soucy, Sullivan, Tarpley, Turgeon, Emma Wheeler, Kenneth Wheeler and Zis.

MERRIMACK: Eleanor Anderson, Austin, Beaton, George E. Gordon, Gross, Mary Holmes, Doris Riley, Walter Robinson and Whittemore.

ROCKINGHAM: Carl Anderson, Barnes, Blanchard, Buco, Carpenito, Lawrence A. Chase, Jr., Cooke, Hynes, Joyce, Mace, Popov, Ritzo, Schwaner, Skinner, Sochalski, Sytek, Tilton, Walker, Warburton and Welch.

STRAFFORD: Bernard, Callaghan, Dingle, Albert Dionne, Frechette, Koromilas, Laurion, Lussier, Parks, Pelley and Spear.

SULLIVAN: D'Amante, Domini, Ingram, Lindblade and Peyron, and the motion to table was adopted.

SB 218, relative to clean indoor air in restaurants. Ought to Pass.  
This bill comes from a cooperative effort of the New Hampshire Lung Association and the Hospitality Association which represents

restaurants. Eating establishments with a capacity of 50 or more are encouraged to establish separate areas for smokers and non-smokers, thereby providing a clean air environment. Many progressive restaurants already do this and this bill requires the others to accommodate the 70 percent of the general public who prefer clean air. The only opposition came from a representative of the Tobacco Industry, who opposed; and from a representative of the Department of Health and Human Services who felt it was not strong enough. The Committee feels this is a commendable start and congratulates the organizations for the cooperation. Vote 15-2. Rep. Robert F. Wilson for Health and Human Services.

Ordered to third reading.

SCR 2, applying to the Congress of the United States to call a convention to propose an amendment to protect the lives of the unborn. Inexpedient to Legislate.

The Committee saw no need to open up the Constitutional Convention process for this proposal. Even though it stipulates that nothing else could be considered, Congress has the right to proceed under its own rules. The Committee has too much respect for the Constitution to put the integrity of this historic document at risk. Vote 15-2. Rep. Marion L. Copenhaver for Health and Human Services.

Report adopted.

SB 77-FN, enabling certain municipal bodies to participate in the joint promotional advertising program. Inexpedient to Legislate.

It was the Committee's position that tax money should not be matched with tax money. Vote 16-2. Rep. Lionel R. Boucher for Municipal and County Government.

Resolution adopted.

Reps. Beaton and Walter Robinson offered the following:

#### RESOLUTION NO. 36

honoring Elna Erickson Carr of Bradford on her one hundredth birthday.

WHEREAS, having been born April 19, 1887 in Vingaker, Sweden, Elna Erickson, in 1891, arrived in the United States with her family, and in 1915 married George W. Carr and settled in Bradford, New Hampshire, and

WHEREAS, Elna Erickson Carr has lived one hundred fruitful years, including more than seventy-two consecutive years in Bradford, during which time she has made innumerable friends and admirers, imparting to all the warmth and felicity of a true gentlewoman, and

WHEREAS, throughout her productive lifetime, Elna Erickson Carr has been an energetic, independent and caring woman, always willing to extend a helping hand whenever it was needed, and

WHEREAS, by virtue of being Bradford's oldest resident, Elna Erickson Carr presently holds the Boston Post Cane, and

WHEREAS, Elna Erickson Carr is celebrating her own centennial while the Town of Bradford, having received its charter on September 27, 1787, is celebrating its bicentennial, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Elna Erickson Carr be extended warm and hearty best wishes on her one hundredth birthday, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to her.

Unanimously adopted.

Rep. Scamman, for the entire House, offered the following:

HOUSE RESOLUTION NO. 37

honoring Amateur Radio Operators in New Hampshire.

WHEREAS, for more than eight decades, amateur radio operators in New Hampshire quietly have been adding chapters to an illustrious history as they have served the country in times of war, served the state in times of emergency and contributed to communications advancements in times of peace, and

WHEREAS, at this moment in history, there are more than three thousand amateur radio operators between the ages of ten and ninety who live in every town and city in New Hampshire, and

WHEREAS, this body of amateur radio operators in New Hampshire, in cooperation with Civil Defense, the United States Military Affiliate Radio System, and the American Radio Relay League, stands ready for any emergency or crisis, and

WHEREAS, the New Hampshire House of Representatives has among its four hundred esteemed members, three licensed amateur radio operators: the Honorable Eugene W. Clark of Ashuelot, the Honorable Burton W. Knight, II of Concord, and the Honorable Eliot B. Ware, Jr., of Hollis, and

WHEREAS, in New Hampshire there presently are two amateur radio clubs that have celebrated fiftieth anniversaries: The Concord Brasspounders Radio Club, and the Great Bay Amateur Radio Association, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the body of amateur radio operators in New Hampshire be publicly recognized and saluted for the contributions to country and state through the years, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to those members of the House of Representatives holding amateur radio licenses who will promulgate this accolade.

Unanimously adopted.

SENATE MESSAGE  
REQUESTS CONCURRENCE WITH AMENDMENT

HB 95, relative to hunting accidents. (Amendment printed SJ 4/7)  
Rep. Gerald Smith moved that the House concur.  
Adopted.

TWO-LEGISLATIVE-DAY EXTENSION GRANTED

Rep. Alf Jacobson moved that the Committee on Judiciary be granted a two-legislative day extension on SB 26, relative to prohibiting homosexuals from adopting, being foster parents, or running day care centers.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 23 at 1:00 p.m.

Adopted.

## LATE SESSION

Third reading and final passage

SB 172, regulating the taking of certain wildflowers and plants in New Hampshire.

SB 101, relative to political campaign contributions by state employees.

SB 58, granting Cheshire Fair security guards the authority to detain persons on Cheshire Fair property.

SB 195-FN, relative to nonprofit housing projects and the Senior Citizens Housing Development Corporation of Claremont, Inc.

SB 218, relative to clean indoor air restaurants.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:24 p.m.

## RECESS

(Rep. Palumbo in the Chair)

## ENROLLED BILL REPORT

SB 235, relative to municipal and county bonds.

Rep. Raymond C. Buckley, II  
Sen. John P.H. Chandler, Jr.  
For the Committee.

## RECESS

(Rep. Palumbo in the Chair)

## ENROLLED BILLS REPORT

HB 26, making an appropriation for the New Hampshire bicentennial commission of the United States Constitution.

HB 38, relative to the method of taking deer in the town of Madbury.

HB 47, relative to certain fish and game licenses.

HB 60, relative to indemnification of fish and game department volunteers.

HB 61, relative to the executive director setting the deer and bear seasons for taking.

HB 113, establishing a civil air patrol grant program.

HB 192, establishing a program of regional and municipal assistance in the office of state planning.

HB 196, establishing a study committee to determine the feasibility of establishing OHRV trails on rights of way of state highways.

HB 269, relative to the appropriation for motor vehicle replacement.

HB 304, relative to simulcast racing.

HB 371, relative to the compromise of an action against the state and making an appropriation therefor.

HB 377, to liquidate encumbrances and lapse available balances on certain capital accounts.

HB 522, relative to membership on the state party convention.

HB 726, relative to the qualifications of the director of human services and establishing certain positions.

HJR 1, relative to the New Hampshire agricultural experiment station.

CACR 4, relating to the amount in controversy required for a jury trial. Providing that the amount shall exceed \$1,500.

SB 42, relative to employees of the sweepstakes commission.

SB 66, relative to the office of reimbursements.

HB 31, relative to boating on Wakondah Pond in the town of Moultonborough and School Pond in the town of Danbury.

HB 150, relative to sunset review of New Hampshire hospital.

HB 164, relative to sunset review of Connecticut River Valley flood control commission.

HB 170, relative to sunset review of Merrimack River flood control commission.

HB 422, creating a committee to study and revise the laws pertaining to elderly persons.

HB 518, relative to enforcement of the underground utility damage prevention system.

HB 582, providing for regional conferences on highway related problems.

HB 584, relative to the special justice of the Pelham municipal court.

HB 605, relative to the terms of persons committed to jails or houses of correction in default of payment of fines.

HB 670, establishing a committee to study matters relative to biomass energy facilities.

HB 677, relative to a staffing plan for the new central psychiatric facility and a staffing plan for the Glenclift home for the elderly and programs in New Hampshire hospital.

Rep. Raymond C. Buckley, II  
Sen. John P.H. Chandler, Jr.  
For the Committee.

RECESS

(Speaker in the Chair)

Rep. Palumbo moved that the House adjourn.  
Adopted.



# HOUSE JOURNAL 21

*Thursday, 23Apr87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rev. Frances D. Potter, Associate Rector at St. Paul's Episcopal Church in Concord.

Most Holy and Gracious God, we pray that You will bless the leaders of this state. That we may be a people at peace among ourselves, and serve You faithfully in our generation.

We pray that You will endue us with the courage and foresight to provide for the needs of all our people. Through our obedience to Your Holy law, may we show forth Your praise in our homes, communities and public life.

Fill us, we pray, with a spirit of thankfulness for Your goodness to us that we may always serve Your people with gladness and singleness of heart.

Yours is the Kingdom, O God, and You are exalted as head above all. Amen.

Rep. Eunice Campbell led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. William Boucher, Boisvert, Morse, Pantelakos, Nagel and Mulligan, the day, illness.

Reps. O'Rourke, LaMott, Sytek, James Chandler, William Riley, James Whittemore, Joyce, Parr, Tupper, Musler, Brown, Francis Robinson, Lawrence Chase, Phelps, Fillion, Normandin, Callaghan, Doris Riley, Prestipino, Gerald Smith, Woodward, Miller, Chretien, Arnott and Frederick Foss, the day, important business.

Rep. Magoon, the day, death in the family.

Reps. Joseph MacDonald and Ann Derosier, the day, illness in the family.

## INTRODUCTION OF GUESTS

Mrs. Trudy Peyron, Dr. and Mrs. William F. Hickey, Jr., guests of Rep. Peyron; Howard Palyis, guest of Rep. William Desrosiers; Heidi and Mark Adams, niece and nephew of Rep. Flanagan; William, Kristina and Ryan Arnold, husband and grandchildren of Rep. Barbara Arnold; a group of New Hampshire Extension Homemakers, guests of Rep. Donna Kelly; Nancy and John Magraw, daughter and grandson of Rep. Marsh; fourth grade students from the Holy Trinity School in Laconia and their teacher, Mrs. Downs, guests of the Laconia Delegation; Mimi Bolduc and Chris Hill, students from Laconia High School, guests of Rep. Dexter.

The Speaker introduced his mother and father, Mr. and Mrs. W. Douglas Scamman, Sr.

ACCEDES TO REQUEST FOR  
COMMITTEE OF CONFERENCE

SB 12, relative to the operation of motors on Clarksville Pond in the town of Clarksville.

Rep. Dickinson moved that the House accede to the request for a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Dingle, Joyce and Blair.

SENATE MESSAGES  
CONCURRENCE

HB 497, establishing a committee to study granting municipalities the option of setting their own tax rates.

HB 500, to revive the charter of the First Church (Congregational) in Jaffrey.

HB 542, relative to preferred provider agreements.

HB 11, relative to the number of library trustees.

HB 13, to revive the charter of the Chocorua Chapel Association, a nonprofit organization.

HB 29, relative to fees paid to municipal shelters or humane society facilities for unlicensed dogs held there.

HB 221, to revive the charter of the Pequawket Foundation, a nonprofit organization.

HB 249-FN, relative to the shore frontage and acreage at the Laconia State School and training center.

HB 488, relative to the department of revenue administration.

HB 46, relative to the state radiation advisory committee.

HB 291, relative to cosmetology.

HB 88-FN, relative to the pesticide control board; rulemaking hearing, exemptions, and definitions.

HB 159-FN, relative to sunset review of the board of education - driver education.

HB 160-FN, relative to sunset review of postsecondary education commission - veterans education service and repealing the advisory committee.

HB 158-FN, relative to sunset review of the department of education - adult basic education.

HB 462-FN, to provide New Hampshire Purple Heart recipients with special commemorative license plates.

HB 600-FN, relative to OHRV fees.

HB 227, requiring notification of late payments by subcontractors to unions.

HB 180-FN, establishing a study committee to examine the publication and distribution of session laws.

HB 132-FN, relative to sunset review of the state liquor commission - office of the commissioner/regulation.

HB 131-FN, relative to sunset review of the state liquor commission - office of the commissioner/administration.

HB 134-FN, relative to sunset review of state liquor commission - warehouse.

HB 316-FN-A, permitting refunds for stamps destroyed after affixing to tobacco products.

HB 515, relative to liens in favor of home health care providers.

HB 329-A, relative to estimated tax payments for railroads and public utilities.

HB 656-FN, relative to cruelty to animals.

HB 654-FN, relative to dogs and cats.

HB 71, relative to the fiscal note process.

HB 244-FN-A, establishing a study committee to review existing fire laws.

HB 37, relative to the emergency management act.

HB 30-FN-A, relative to uniform allowance for newly commissioned second lieutenants and warrant officers in the New Hampshire national guard and making an appropriation therefor.

HB 555-FN, relative to lucky 7 tickets sold by dispenser devices.

HB 662-FN, relative to reimbursement of the state for patients rendered services by the secure psychiatric unit.

HB 456-FN, relative to interference with burial grounds and unlawful possession on sale of gravestones.

HB 393, establishing the availability of the remedy of declaratory judgment to determine the coverage of a liability insurance policy in the federal district court.

HB 43-FN, relative to eligibility for admittance to the New Hampshire Veterans' home.

HB 266, relative to the state veterans' needs committee.

HB 663-FN, legalizing action by the city of Franklin in adopting a budget and supplemental budget for an optional fiscal year and authorizing debt during the transition period.

HB 312, to legalize a town meeting held in Canaan.

HB 556-FN, relative to recording fees.

#### NONCONCURRENCE

HB 397, changing the time for counting absentee ballots and requiring the posting of the time for commencement of counting absentee ballots.

HCR 4, relative to a National Housing Partnership Act.

HB 32, relative to the election of the chairman of the university system study committee.

HB 707, relative to the implementation of public utility rate schedules under bond.

#### REFERRED FOR INTERIM STUDY

HB 398, relative to custody and support order.

#### RE-REFERRED TO COMMITTEE

HB 714-FN, relative to assessment of open space land.

#### CONCURRENCE WITH AMENDMENTS

SB 58, relative to detention powers of county fair security guards.

SB 172, regulating the taking of certain wildflowers and plants in New Hampshire.

SB 234, authorizing the commissioner of health and human services to transfer authority for operation of medical assistance programs.

SB 133-FN, relative to immunizing children.

#### ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 143, relative to sunset review of the department of fish and game law enforcement.

The President appointed Sens. Hounsell, Freese and St. Jean.

HB 45, relative to maternity and infancy.

The President appointed Sens. Krasker, Bond and White.

HB 83-A, relative to the Cornish-Windsor bridge and making an appropriation therefor.

The President appointed Sens. Torr, Chandler and Preston.

## REQUESTS CONCURRENCE WITH AMENDMENTS

HB 299-FN-A, continuing pari-mutuel tax credits for dog races, and raising the limit therefor. (Amendment printed SJ 4/14)

Rep. Phelps moved that the House concur.

Adopted.

HB 248, allowing the expulsion of unruly persons from horse and dog racetrack grounds. (Amendment printed SJ 4/14)

Rep. Phelps moved that the House concur.

Adopted.

HB 327-A, relative to funding for a pulp and paper technology program at the New Hampshire vocational-technical college at Berlin. (Amendment printed SJ 4/16)

Rep. Pearson moved that the House concur.

Adopted.

HB 579-FN, relative to combining the Peterborough and Jaffrey district courts and providing for the tenure of justices when judicial districts are combined. (Amendment printed SJ 4/9)

Rep. Alf Jacobson moved that the House concur.

Adopted.

HB 455, relative to criminal mischief. (Amendment printed SJ 4/16)

Rep. Alf Jacobson moved that the House concur.

Adopted.

HB 454, relative to proof of exceptions. (Amendment printed SJ 4/21)

Rep. Alf Jacobson moved that the House concur.

Adopted

HB 686-FN, relative to farm plates. (Amendment printed SJ 4/16)

Rep. Irvin Gordon moved that the House concur.

Adopted.

HB 383-FN, relative to road tolls. (Amendment printed SJ 4/9)

Rep. Irvin Gordon moved that the House concur.

Adopted.

HB 692-FN, establishing an involuntary treatment task force.  
(Amendment printed SJ 4/16)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sochalski, Foster, Wilson and Lawrence Chase.

HB 177-FN, relative to sunset review of veterinary/medical/optometric education program and amending such program. (Amendment printed SJ 4/16)

Rep. Tufts moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Tufts, Cutting, Skinner and Winn.

HB 306, limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River Pond in the town of Wakefield. (Amendment printed SJ 4/16)

Rep. Dickinson moved that the House concur.

Adopted.

## ENROLLED BILLS AMENDMENTS

HB 116-FN, relative to sunset review of funeral directors and embalmers board.

## Amendment

Amend the bill by replacing line 10 and 11 on page 2 with the following:

department of health and [welfare] human services, or his designee, shall serve as a non-voting secretary of the board.

This amendment updates a reference.

Adopted.

HB 609-FN, relative to the New Hampshire National Guard.

## Amendment

Amend lines 12-16 of page 1 by replacing them with the following:

II. A person sentenced to confinement or ordered held prior to or during trial may be committed by appropriate process under the hand of the military judge or summary court officer to any jail or house of correction within the state. The jailer or keeper of the jail or house of correction to which such process is directed shall receive and detain the prisoner in the same manner as if the prisoner

This amendment adds current statutory language that was inadvertently omitted from the bill.

Adopted.

HB 644, relative to zoning exemptions for certain utility structures.

## Amendment

Amend the bill by replacing line 24 on page 2 with the following:

362-A:1-a, X, and cogeneration facilities, as defined in RSA 362-A:1-a, I,

This amendment corrects a citation in section 1 of the bill.

Adopted.

HB 67, relative to urea-formaldehyde.

## Amendment

Amend the bill by replacing lines 9 and 10 on page 1 with the following:

manufactured housing constructed of particle board, [or] fiber board, or any similar construction material, containing urea-formaldehyde resin,

Amend the bill by replacing line 6 on page 2 with the following:

If a contract for sale does not exist, the statement shall be printed on a

This enrolled bill amendment corrects 3 typographical errors in the bill.

Adopted.

HB 73-FN, relative to falconry.

Amendment

Amend the bill by replacing line 6 on page 2 with the following:  
hunting license. The initial fee for a falconry permit shall be \$50 and

This bill corrects an inconsistent term in the bill.

Adopted.

HB 79-A, making a capital appropriation for Tip Top House.

Amendment

Amend the bill by replacing line 6 on page 1 with the following:

(Notwithstanding the provisions of RSA 4:8, the

Amend the bill by replacing line 1 on page 2 with the following:

this project.)

This amendment corrects typographical errors in punctuation.

Adopted.

HB 97-FN-A, appropriating funds to the department of agriculture for inspection of apiaries.

Amendment

Amend the bill by replacing line 5 on page 1 with the following:  
diseases in accordance with RSA 429. This appropriation is in addition to

This enrolled bill amendment corrects an incorrect cross-reference in the bill.

Adopted.

HB 161-FN, relative to sunset review of the board of barbering and cosmetology.

Amendment

Amend the bill by replacing line 3 on page 1 with the following:  
agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

This enrolled bill amendment corrects a typographical error.

Adopted.



HB 236, relative to durable powers of attorney.

Amendment

Amend the bill by replacing line 14 on page 3 with the following:

Only the parties, their counsel, witnesses, and representatives of agencies

Amend the bill by replacing lines 20 and 21 on page 3 with the following:

without the invalid provisions or application, and to this end the provisions of this

This amendment corrects 2 typographical errors in the bill.

Adopted.

HB 482, relative to the charter of Wentworth-Douglass Hospital.

Amendment

Amend the bill by replacing line 15 on page 3 with the following:

238:6 Organization; Bylaws; Trustees; Compensation. The trustees of

Amend the bill by replacing lines 19-25 on page 3 with the following:

provisions for a board of trustees which [no more than 6 months after the effective date of this act] shall include [not less than 9 members, of which not less than 7 nor more than 3/4 shall be residents of the city of Dover] any number permitted by law from any geographic location. The board shall be vested with the general management of the corporation, and adoption of rules for the governance and transaction of business as may be necessary and proper for the management of the hospital and the business of the corporation. The bylaws shall provide that the

This amendment shows the deletion of current materials from a session law, which was omitted from the original bill through a typographical error.

The amendment also corrects another typographical error.

Adopted.

HB 640-FN, relative to motor vehicle license and registration fees, license plates and boat registrations.

Amendment

Amend the bill by replacing line 21 on page 3 with the following:

IX. For every certified copy of and duplicate of a certificate of

The amendment corrects a typographical error, so that new material is properly indicated.

Adopted.

HB 657-FN, relative to the investment of state trust funds.

Amendment

Amend the bill by replacing lines 1-3 on page 3 with the following:

funds in accordance with RSA 11:5.

II. Specific investment instruments contained in each category under RSA 11:5, I-VI.

This amendment corrects references in section 2 of the bill.

Adopted.

SB 29, relative to the appointment of a caretaker for the "Old Man of the Mountain."

Amendment

Amend the bill by replacing line 8 on page 1 with the following:

caretaker. The person so honored shall be a resident of the state, a person

This amendment corrects a grammatical error in section 1 of the bill.

Adopted.

HB 526-FN, establishing a department of safety.

Amendment

Amend the bill by replacing line 1 on page 1 with the following:

1 New Chapter. Amend RSA by inserting after chapter 21-o the

Amend the bill by replacing line 19 on page 3 with the following:

materials in accordance with RSA 21-P:17.

Amend the bill by replacing line 9 on page 8 with the following:

I. Hazardous materials transportation and truck weight

Amend the bill by replacing line 13 on page 8 with the following:

II. Bingo and lucky 7 enforcement and any other duties performed

Amend the bill by replacing line 5 on page 13 with the following:

(k) Identification numbers for vehicles, as authorized by

Amend the bill by replacing line 4 on page 26 with the following:

4 Salaries. Amend RSA 94:1-a, I by:

Amend the bill by replacing lines 11 - 12 on page 27 with the following:

all references to "director" in RSA 270:1; and 270:1-a; 270:12; 270:16-b; 270:31; 270:39; 270:43; and 270:48 shall be changed to

Amend the bill by replacing lines 17 - 25 on page 31 of the bill and lines 1 - 4 on page 32 of the bill with the following:

this chapter, the director of safety services may from time to time make] The commissioner of safety shall adopt rules, [and regulations] pursuant to RSA 541-A, relative to the equipment and operation of all boats, including rafts and floats of whatever kind, type or character, operated or used on any public waters in this state, and the classification, examination and certification of captains, masters, engineers, and pilots of all such boats. Such rules [and regulations] shall be binding on the persons owning, leasing, or operating such boats, rafts and floats. [It shall be the duty of said director to] The commissioner shall enforce the provisions of this chapter and the rules [and regulations issued thereunder] adopted under it, and in such enforcement [said director] the commissioner and his duly authorized representatives shall have all the powers of a deputy sheriff in any county of the state.

Amend the bill by replacing line 7 on page 32 with the following:

270:16-c Revocation. The commissioner of safety, after hearing,  
Amend the bill by replacing line 10 on page 32 with the following:

this chapter or the rules adopted by the commissioner. The hearing officers

Amend the bill by replacing lines 22 - 25 on page 32 with the following:

321-A:2 Rules [and Regulations]. The [director] commissioner shall [promulgate rules and regulations] adopt rules, pursuant to RSA 541-A, for the safe installation, repair, maintenance, use, operation and inspection of all carnival or amusement rides, as covered by this chapter, for the protection

Amend the bill by replacing lines 6 - 12 on page 33 with the following:

amusement ride without having first registered it with the [director] commissioner, as provided in RSA 321-A:5, or violating the rules [and regulations promulgated] adopted by the [director] commissioner, as provided in RSA 321-A:2, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. Any operator or owner who operates after a suspension, as provided in RSA 321-A:7, shall be guilty of a violation for each day of illegal operation.

Amend the bill by replacing lines 15 - 22 on page 33 with the following:

amusement ride without a decal issued by the [director] commissioner. The [director] commissioner may by rule, adopted pursuant to RSA 541-A, establish a reasonable fee for decals to cover the costs of administering this chapter. An operator shall apply for a decal to the director on a form furnished by him and containing such information as he may require. No such decals shall be issued by the director until proof of adequate insurance on each such ride, as provided in RSA 321-A:5, III, is certified by the owner or operator to the [director] commissioner and the applicable fee has been paid.

The amendment corrects: 1) amending language in 2 places; 2) a cross-reference; 3) 2 paragraph designations; and 4) an erroneous description of a cross-reference.

The amendment also changes certain references from the "director of safety services" to the "commissioner of safety" to conform with other provisions of the bill, and removes 2 RSA sections amended by sections 16 and 17 of the bill from the list of sections amended in section 6, I(c) of the bill.

Adopted.

Having been approved by three-fifths of the Rules Committee, Reps. Palumbo and Chambers offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 10, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL  
First, second reading and referral

HB 10-FN-A, relative to state employee salaries and judicial salaries and making an appropriation therefor. (Appropriations)

SENATE MESSAGES  
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 127-FN, relative to sunset review of the board of veterinary examiners and relative to preliminary hearings. (Amendment printed SJ 4/16)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. McCain, Wayne King, Wright and Nancy Ford.

HB 65, restricting power boats on Lake Wicwas in the town of Meredith. (Amendment printed SJ 4/16)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Blanchard, John Young, Maviglio and Beaton.

Rep. Harold Burns moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 196-FN-A, relative to health hazards in the home and making an appropriation therefor, was removed at the request of Rep. Kurk.

Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

SB 134-FN-A, to commission a study of an environmental risk insurance fund and making an appropriation therefor. Ought to Pass with Amendment. Senate Bill 134 establishes a Commission to Study Matters Relating to an Environmental Risk Insurance Safety Fund, to be chaired by the Insurance Commissioner or his designee. The amendment gives permission to subpoena, cut appropriation to \$50,000, and change some wording on page 2 to clarify the businesses affected. Vote 13-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

## Amendment

Amend the bill by replacing sections 2 and 3 with the following:

2 Duties. The environmental risk insurance fund study commission shall study the need for, availability, cost, and terms of environmental impairment insurance within the state for both the private and public sectors with respect to the impact these factors have or may have on operations of businesses, including those that generate, store, treat, or dispose of solid or hazardous waste, currently located in New Hampshire, businesses which may in the future locate in New Hampshire, and on political subdivisions of New Hampshire, the operations of which involve the disposal of wastes of any type or which are response action contractors pursuant to 42 U.S.C.A. section 9604. The commission shall study and make recommendations regarding the need for, advisability of, and feasibility of a state environmental risk insurance fund including;

I. The development of a rating formula that reflects credits for the relative degree of hazards among sites covered by any fund;

II. Loss probability data;

III. Funding an environmental risk insurance fund through regular contributions, bonding, taxes on products or processes containing, using or producing hazardous or toxic substances, re-insurance, assessments or any other mechanism;

IV. Terms and conditions of participation in any fund; and

V. Limitations on actions or claims for environmental impairment.

3 Cooperation of Agencies; Consultants; Subpoena. The commission shall be accorded the cooperation and assistance of all state agencies and their staffs including research into particular subject areas, as may be appropriate, as well as files, data, and other information. Any information considered confidential by law may be provided by the commission as long as it is provided in such a form as to insure continual confidentiality. The commission is authorized to retain such insurance, financial, actuarial, and technical consultants as it deems necessary to assist in completion of its study. The commission may subpoena witnesses and administer oaths or affirmations and examine any individual under oath, or take depositions; and by subpoena duces tecum may require the production of documentary and other evidence.

Amend the bill by replacing section 5 with the following:

5 Appropriation. In addition to any other sums appropriated to the department of insurance, there is hereby appropriated the sum of \$50,000 for the fiscal year ending June 30, 1988, to the department of insurance for the use of the commission in collection and processing data, engaging such consultants as the commission deems necessary, and preparation of its report and recommendations. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

## AMENDED ANALYSIS

This bill establishes a 14 member environmental risk insurance fund study commission to study matters relative to the establishment of an environmental risk insurance safety fund. This bill provides that the commission shall be chaired by the insurance commissioner and that administrative support shall be provided by the insurance department.

This bill, as amended, appropriates \$50,000 for fiscal year 1988 to the department of insurance for the use of the commission. The bill provides that the commission shall file its report, along with any



recommended legislation, with the senate president and speaker of the house by April 15, 1988.

Referred to Appropriations.

SB 62, relative to counting absentee ballots in cities and towns which use voting machines. Ought to Pass with Amendment.

This bill, as amended, gives a moderator the authority to direct that absentee ballots may be counted not earlier than at 3:00 p.m. before the polls close in cities and towns which use voting machines. The final count of absentee ballots shall not be announced before the polls close. Vote 12-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Counting Absentee Ballots. Amend RSA 659 by inserting after section 49 the following new section:

659:49-a Option to Count Absentee Ballots Before Closing of Polls. At the direction of the moderator, absentee ballots may be counted not earlier than at 3:00 p.m. before the closing of the polls in cities and towns which authorize the use of one or more voting machines or devices for computerized casting and counting of ballots, as provided in RSA 656:40. If absentee ballots are counted before the closing of the polls, the moderator shall exercise his option under RSA 659:49, and the absentee ballots shall be processed and then counted immediately following their processing. If the option to count absentee ballots is exercised by the moderator under this section, counting shall begin not earlier than at 3:00 p.m. before the closing of the polls, at which time the processing shall also begin. The counting of absentee ballots shall be done by the election officials, except those disqualified under RSA 659:58, under the supervision of the moderator. The final count of absentee ballots shall not be announced before the polls close, and shall be announced as provided in RSA 659:70.

#### AMENDED ANALYSIS

This bill gives a moderator the authority to direct that absentee ballots may be counted not earlier than at 3:00 p.m. before the polls close in cities and towns which use voting machines. The final count of absentee ballots shall not be announced before the polls close.

SB 137, relative to voting in state and presidential primary elections. Ought to Pass.

As amended, if a political party has adopted a rule permitting persons who are not registered as members of that party to vote in the party's primary, this bill permits such persons to vote the ballot of the party of his choice, without registering as members of that party. This bill is enabling legislation only, and takes effect only if a party adopts such a rule in the future. Vote 11-0. Rep. Betty B. Hall for Constitutional and Statutory Revision.

SB 138, relative to sessions for correcting the checklist. Ought to Pass with Amendment.

This bill sets one date for the hearing on alterations to party registration. The Supervisors of the Checklist shall meet for such alterations on the Tuesday before the first Wednesday in June. As amended, the bill changes the date for the alterations to party registration before the Presidential Primary from 2 sessions to one



session on the day preceding the first day of the filing period, between 7 p.m. and 9 p.m. As amended, the bill also requires the Supervisors of the Checklist to hold one session for correction of the checklist on the day immediately prior to the filing period for town office candidates. Vote 12-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

#### Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 One Session for Hearings on Alterations to Party Registration.

Amend RSA 654:32 to read as follows:

654:32 Hearings on Alterations to Party Registration. Before each state or presidential primary election, the supervisors of the checklist shall be in session before each primary for the change of registration of legal voters as provided in RSA 654:34 or 654:34-a or both. Before the presidential primary, the [sessions] session shall be on [2 days, at least, and at such other times as they deem necessary, and shall not be closer in time to such primary than the day immediately prior to the first day for the filing of nomination petitions] the day preceding the first day of the filing period, between 7 p.m. and 9 p.m. Before the state primary election, the [sessions] session [shall be on 2 days, at least, and at such other times as they deem necessary, and the last one] shall be on Tuesday before the first Wednesday in June between 7 p.m. and 9 p.m.

2 Session for Correction; Town Elections. Amend RSA 669:5 to read as follows:

669:5 Voters and Checklists. An updated checklist shall be used at all town meetings and elections for the same purposes a checklist is used at a state election and to insure that only qualified voters participate in town meeting discussions and votes, by voice or otherwise. The supervisors shall prepare, post and revise the checklist for a town meeting or election in the same manner as for a state election as provided in RSA 654:25-654:31, except that the session for correction of the checklist 3 weeks prior to the day of the election as provided in RSA 654:27 shall not be required to be held before a town meeting or election. The supervisors shall also hold one session for correction of the checklist on the day immediately prior to the first day of the filing period for candidates for town office, as provided in RSA 669:19 or 669:42, as applicable, from 7 p.m. to 9 p.m.

#### AMENDED ANALYSIS

This bill sets one date for the hearing on alterations to party registration. The supervisors of the checklist shall meet for such alterations on the Tuesday before the first Wednesday in June. As amended, the bill changes the date for the hearing on alterations to party registration before the presidential primary from 2 sessions to one session on the day preceding the first day of the filing period, between 7 p.m. and 9 p.m.

As amended, the bill also requires the supervisors of the checklist to hold one session for correction of the checklist on the day immediately prior to the filing period for town office candidates as provided by RSA 669:19 and 669:42.

SB 139, relative to election law dates. Ought to Pass with Amendment. This bill specifies annual meeting and election law dates in place of a specific number of days, as provided in current law. As amended, declarations of candidacy in a town, with a nonpartisan ballot system, must be filed with the town clerk no earlier than the seventh Wednesday nor later than the sixth Friday before the town election.

As amended, a caucus for the nomination of candidates for town officers must be held not later than the sixth Friday before the town election. Vote 12-0. Rep. David A. Pierce for Constitutional and Statutory Revision.

#### Amendment

Amend RSA 669:19 as inserted by section 4 of the bill by replacing it with the following:

669:19 Nominations; Non-Partisan Ballot System. In a town which has adopted the non-partisan ballot system as provided in RSA 669:13, all candidates shall file a declaration of candidacy with the town clerk no earlier than [45 nor later than 30 days] the seventh Wednesday nor later than the sixth Friday before the town election. Such declaration of candidacy shall be prepared by the town clerk in substantially the following form: I, ....., declare that I am domiciled in the town of ....., and that I am a registered voter therein; that I am a candidate for the office of ..... and hereby request that my name be printed on the official non-partisan ballot of the town of ..... At the time of said filing, each candidate shall pay to the town clerk a filing fee of \$1 for the use of the town, provided that a candidate for a town office which carries no salary or other compensation shall be entitled to file his declaration without the payment of a filing fee.

Amend RSA 669:39 as inserted by section 5 of the bill by replacing it with the following:

669:39 When Held. Any caucus held for the nomination of candidates for town officers shall be held [at least 30 days prior to] not later than the sixth Friday before the town election at which such officers are to be elected.

#### AMENDED ANALYSIS

This bill specifies the following annual meeting and election law dates in place of a specific number of days, as provided in current law:

- (1) Petitioned articles and questions for increasing the board of selectmen must be presented to the selectmen not later than the fifth Tuesday before the day prescribed for an annual or biennial meeting.
- (2) Public hearings on petitions to change the size of the board of selectmen shall be held not later than the Thursday before the annual meeting.
- (3) Supervisors of the checklist must post copies of the checklist not later than the fourth Tuesday before any state election.
- (4) As amended, declarations of candidacy in a town with a non-partisan ballot system must be filed with the town clerk no earlier than the seventh Wednesday nor later than the sixth Friday before the town election.
- (5) As amended, a caucus for the nomination of candidates for town officers must be held not later than the sixth Friday before the town election.

SB 193, reinstating the charter of United Energy Systems, Inc. Ought to Pass with Amendment.

This bill permits the revival of the Charter of United Energy Systems; the amendments reinstate the Charter of Merrimack Valley Enterprises, Inc., and Mayo Electronic Components, Inc. All of the above have certain conditions which must be met before their charter is reinstated. Vote 13-0. Rep. Roger Stewart for Constitutional and Statutory Revision.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

reinstating certain corporate charters.

Amend the bill by replacing section 2 with the following:

2 Reinstatement of Mayo Electronic Components, Inc. The charter of Mayo Electronic Components, Inc. of Plaistow, New Hampshire, incorporated on October 25, 1984, was forfeited on November 3, 1986, under RSA 293-A:95, I(a). Upon payment of any fees in arrears plus a reinstatement fee of \$50, and by filing with the secretary of state any annual reports required by law, Mayo Electronic Components, Inc. shall be hereby reinstated for all purposes as a New Hampshire corporation and this reinstatement shall be retroactive to November 3, 1986.

3 Reinstatement of Merrimack Valley Enterprises, Inc. The charter of Merrimack Valley Enterprises, Inc. of Litchfield, New Hampshire, was forfeited on November 3, 1986, under RSA 293-A:95, I(a). Upon payment of any fees in arrears plus a reinstatement fee of \$50, and by filing with the secretary of state any annual reports required by law, Merrimack Valley Enterprises, Inc. shall be hereby reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to November 3, 1986.

4 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill permits upon the satisfaction of certain conditions, the revival of the charter of United Energy Systems, Inc. retroactive to the time of its October 31, 1985, revocation.

This bill, as amended, permits upon the satisfaction of certain conditions, the revival of the charter of Mayo Electronic Components, Inc. retroactive to the time of its November 3, 1986, revocation.

This bill, as amended, permits, upon the satisfaction of certain conditions, the revival of the charter of Merrimack Valley Enterprises, Inc., retroactive to the time of its November 3, 1986, revocation.

SB 145-FN, relative to study of the state classification system and making an appropriation therefor and directing the facilities committee to conduct a study of salaries for unclassified state employees and making an appropriation therefor. Ought to Pass.

This bill appropriates the funds necessary to continue the excellent work started by the task force established in the immediately previous session. The Committee unanimously (16-0) endorses the effort and wishes to continue to a successful conclusion. Rep. William F. McCain for Executive Departments and Administration.

Referred to Appropriations.

SB 174-FN, establishing a committee to study retirement system benefits. Ought to Pass.

This bill establishes a committee to study benefits under the New Hampshire Retirement System for Group I members. The committee shall consist of three (3) members of Senate Finance and three (3) members of the House Executive Departments and Administrative Committee to be appointed by the Senate President and the House Speaker respectively.

Vote 15-0. Rep. Wayne D. King for Executive Departments and Administration.

Referred to Appropriations.

SB 132, relative to the appointment of the executive director of the department of fish and game. Re-Refer to Committee.

This same issue has already been debated on the floor of the House this Session. Another similar bill is being studied by the Fish and Game Committee. Vote 11-0. Rep. David M. Scanlan for Fish and Game.

SB 16, allowing the award of attorney fees, court costs, and reimbursement of collection agency fees in actions to collect debts. Inexpedient to Legislate.

This bill would force the loser in a debtor/creditor case to pay the collection agency and the attorney their costs and fees for the winning side. Since collection agency fees and attorney's fees are not regulated, this could result in a loser paying ten times the amount originally owed. As a matter of public policy this would be grossly unfair. Vote 14-1. Rep. Marc A. Chretien for Judiciary.

SB 21, relative to administrative inspection warrants. Ought to Pass with Amendment.

The amendment adds "municipal ordinances" at appropriate places in the bill because the bill, as drafted, extends the power to obtain administrative inspection warrants to municipal fire departments, and such local fire departments are concerned only with the enforcement of local ordinances. Vote 12-0. Rep. W. Kent Martling for Judiciary.

#### Amendment

Amend RSA 595-B:1 as inserted by section 1 of the bill by replacing it with the following:

595-B:1 Definition. An inspection warrant shall be a written order in the name of the state, signed by a justice, associate justice or special justice of any municipal, district or superior court, directed to an official or employee of a state agency or municipal fire department, commanding him to conduct any inspection, testing or sampling required or specifically authorized by state law [or], administrative rule, or municipal ordinance.

Amend RSA 595-B:5 as inserted by section 3 of the bill by replacing it with the following:

595-B:5 Conduct of Inspection; Notice. An inspection, testing or sampling pursuant to a warrant issued under this chapter shall not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, unless specifically authorized by the person issuing such warrant upon a showing that such authority is reasonably necessary to effectuate the purpose of the law or rule being enforced. An inspection pursuant to a warrant shall not be made by means of forcible entry, except that the person issuing such warrant may expressly authorize a forcible entry when facts are shown sufficient to suggest a probable violation of a state law [or], rule, or municipal ordinance, which, if such violation existed, would present an immediate threat to public health or safety, or when facts are shown which establish that reasonable attempts to serve a previous warrant have been unsuccessful. Notwithstanding any law to the contrary, an official or employee of a state agency or municipal fire department executing an inspection warrant may be accompanied by suitable assistants, including a sheriff or his deputy, any state police officer, or any constable or police officer of any city or town.



SB 56, relative to false impersonation of a law enforcement officer or investigator. Ought to Pass with Amendment.

This bill extends the charge of a misdemeanor to a person who impersonates a law enforcement officer or investigator from another state or country. Current law only covers impersonation of a law enforcement officer or investigator from within this State. Vote 13-0. Rep. C. William Johnson for Judiciary.

#### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to false personation of a law  
enforcement officer or investigator.

SB 158, relative to limitations of prosecutions of sexual assault offenses. Ought to Pass.

This bill repeals RSA 632-A:7, II, which mandates that no prosecution for sexual assault may be maintained unless the victim reported the assault within six months of its occurrence. The majority of the Committee feels that this law is unfair. It effectively limits a sexual assault victim's ability to see justice done after only six months while most crime victims have six years. It does not take into account the known fact that many sexual assault victims experience trauma and do not acknowledge that the assault occurred for months or years after the fact. There is no reason why sexual assault victims should face this bar when victims of lesser crimes do not. Vote 13-1. Rep. Thomas U. Gage for Judiciary.

SB 94, providing the legislative budget assistant with access to certain records. Ought to Pass.

This bill requires that all state agencies must furnish the Legislative Budget Assistant with any information, including confidential information, which he requires in the performance of his duties. There are specific provisions which control the dissemination of confidential information by the Department of Revenue Administration. Under current law, state entities are required to furnish information, but there is no requirement to furnish confidential information. Vote 11-0. Rep. Laurent J. Boucher for Legislative Administration.

SB 99-FN, establishing a study committee to determine whether the department of transportation has fully implemented the legislative directives of the general court. Ought to Pass.

This bill establishes a committee of six legislative members and nine members of the general public appointed by the President of the Senate, Speaker of the House of Representatives, and the Governor and Council, to examine the implementation by the Department of Transportation of the laws enacted by the General Court in the 1985-1986 biennium, including the reorganization of the department. The specific construction, reconstruction, and other programs relative to the highway system, where funding was appropriated by the General court, shall be examined by this committee to determine whether or not the legislative mandates have been implemented. Vote 11-0. Rep. Mary Ann Lewis for Legislative Administration.

SB 166-FN, abolishing the sunset review process. Inexpedient to Legislate.

This issue is addressed in Senate Bill 94 and House Bill 101, and, therefore the Committee found SB 166 Inexpedient to Legislate. Vote 11-0. Rep. Mary Ann Lewis for Legislative Administration.

SB 190-FN, relative to financial disclosure by appointed officials. Inexpedient to Legislate.

The financial disclosure issues which are addressed in this bill are more adequately dealt with in SB 176. Vote 11-0. Rep Lynn C. Horton for Legislative Administration.

SB 220-FN, relative to redemption after a tax sale. Ought to Pass with Amendment.

This bill provides for interest to be computed on the unpaid balance for redemption payments in the case of partial payments. Current law provides interest to be computed on the full amount of the tax lien regardless of the number of partial payments. Vote 20-0. Rep. Chris Korcoulis for Municipal and County Government.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Interest Reduced. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person interest in land so sold may redeem the same by paying or tendering to the collector, or in his absence, at his usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold [, together with costs for notifying mortgagees, if any, and], with interest at 18 percent per annum upon the whole amount for which the land was sold from the time of sale to the time of payment [or tender, together with redemption costs incurred] in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharge from his bond by the selectmen or assessors, then the person interested in redeeming the property may tender the aforesaid sums to the tax collector then in office of said city or town[;]. [and] Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the [said] tax collector shall accept said amount for the redemption of [said] the property.

2 Effective Date. This act shall take effect January 1, 1988.

SB 112-A, making an appropriation to the department of safety for certain capital improvements. Ought to Pass.

This bill appropriates \$160,000 for the completion of addition to the Safety Department building (Hayes Building), and the sum of \$410,000 for completion of Troop B Station in Milford. This \$410,000 to be added to the \$200,000 appropriated. Vote 14-1. Rep. Kenneth T. Wheeler for Public Works.

Referred to Appropriations.

SB 155-FN, relative to the collection of tolls on an incomplete turnpike highway system. Ought to Pass with Amendment.

This bill corrects timing of central turnpike new toll construction in South Nashua as approved by ten-year plan package in 1986. Vote 14-1. Rep. Chris Jacobson for Public Works.

#### Amendment

Amend the title of the bill by replacing it with the following:



## AN ACT

relative to the toll barrier north of the Massachusetts  
state line on the central turnpike, southbound.

Amend the bill by replacing all after the enacting clause with the following:

1 Nashua Toll Barrier. Amend 1986, 203:5, II(a)(17) to read as follows:

(17) Nashua [89] 94 Toll barrier north of  
Massachusetts state line on central turnpike - southbound.

2 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill, as amended, changes the date of the estimated completion of the construction of the toll barrier from 1989 to 1994.

SB 180-FN-A, relative to restoring the original state house and making an appropriation therefor. Ought to Pass.

This bill authorizes an architectural study of the original State House in this year of the Bicentennial of the Constitution. The study would determine the needs of the structure and an appropriate site in Strawberry Banke. The Director of Strawberry Banke testified they were ready, willing, and able to cooperate in this project. Considering New Hampshire's role in adopting the Constitution, this structure becomes nearly as significant as Independence Hall in Philadelphia. Vote 15-0. Rep. Sandra B. Keans for Public Works.

Referred to Appropriations.

SB 233-FN, relative to capital budget requests for airports in the state. Ought to Pass with Amendment.

Rather than insert new language into the statutes authorizing the Department of Transportation's Aeronautics Division to submit capital budget requests through the capital budget process, the Committee amended the bill to simply repeal the previous restriction that such requests be sought in the operating budget. Vote 15-0. Rep. James A. Chandler for Public Works.

## Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal; Airports; Capital Budget Requests. RSA 422:14-b, relative to capital budget requests for airports in the state, is repealed.

2 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill, as amended, repeals the provision that limits the authority of the commissioner of transportation to submit requests for airport projects through the capital budget only to projects for wholly state-owned airports. Under current law, capital requests for airports which are not wholly state-owned must be made in the operating budget.

SB 10-A, permitting state participation in a Clean Water Act State Revolving Loan Fund. Ought to Pass with Amendment.

Senate Bill 10 provides for the initial State matching funds to qualify for participation in the future funding of Clean Water Projects. The bill also provides for development of guidelines and rules by which the new fund shall be administered. Legislative participation in such guidelines and rules will insure that legislative intent is followed. Appropriation of \$2,400,000 constitutes the State's share. Vote 16-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; State Water Pollution Control Revolving Loan Fund; Clean Water Act. Amend RSA 149-B by inserting after section 11 the following new section:

149-B:12 State Water Pollution Control Revolving Loan Fund.

I. Authority is hereby granted for the state of New Hampshire to participate in the federally funded state water pollution control revolving loan fund as may be provided under the Clean Water Act as amended from time to time. The loan fund shall be administered by the commissioner of the department of environmental services under rules adopted by the commissioner under the provisions of RSA 541-A. A committee composed of the governor or designee, the commissioner of environmental services or designee, the treasurer or designee, one member of the executive council to be named by the governor, the chairman of the senate capital budget committee or designee, the chairman of the house resources, recreation and development committee or designee, one member of the house of representatives appointed by the speaker of the house, and one member of the senate appointed by the president of the senate, shall assist and advise the commissioner of environmental services in developing guidelines and rules for determining eligibility and the administration of the loan fund.

II. It is the intent of the general court that many projects be considered for inclusion in the state water pollution control revolving loan fund program. The following projects shall be given first consideration for inclusion:

- (a) Manchester sewage treatment plant expansion.
- (b) Exeter sewage treatment plant.
- (c) Monroe sewage treatment plant.

2 Appropriation. The sum of \$2,400,000 is hereby appropriated for the biennium ending June 30, 1989, for the state water pollution control revolving loan fund described in RSA 149-B:12 as inserted by section 1 of this act for the purpose of providing a 20 percent state matching grant for the federal funds deposited in said fund during fiscal year 1989. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. This appropriation shall be nonlapsing and in addition to any other sums appropriated to the state water pollution control revolving loan fund.

3 Effective Date. This act shall take effect July 1, 1987.

Referred to Appropriations.

SB 63-FN-A, acquiring land on the Connecticut River and making an appropriation therefor. Ought to Pass with Amendment.

This bill authorizes the Department of Resources and Economic Development acting with the Department of Fish and Game in conducting negotiations in acquiring by fee or partial interest 16 acres of land fronting on the Connecticut River upstream from Wilder Dam in West Lebanon. The Department of Fish and Game considers this a valuable

piece of property for state acquisition in connection with recreation and the salmon restoration program. Department findings and recommendations based on the state appraisal will be submitted to the President of the Senate and the Speaker of the House so that appropriate legislation may be prepared for the 1988 session. Vote 18-0. Rep. Charles H. Dingle for Resources, Recreation and Development.

#### Amendment

Amend paragraph I as inserted by section 1 of the bill by replacing it with the following:

I. The department of resources and economic development acting with the department of fish and game shall conduct joint negotiations with the current owner or the owner's representative, relative to an agreement to acquire by fee or partial interest 16 acres, more or less, of land fronting on the Connecticut River and abutting to the south of Chambers Memorial Park, in West Lebanon, New Hampshire. Such negotiations shall be based on state appraisal of the land involved.

#### Referred to Appropriations.

SB 212-FN-A, increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, appropriates additional State funds to certain municipalities subject to enforcement action for waste water treatment under the Federal Clean Water Act and State law on waste standards classification. The Committee believes this legislation is necessary to insure that these communities will not be treated in an adverse manner because of changes in Federal funding patterns and Federal enforcement procedures. Vote 16-0. Rep. William H. McCann, Jr. for Resources, Recreation and Development.

#### Amendment

Amend RSA 149-B:1 as inserted by section 1 of the bill by replacing it with the following:

#### 149-B:1 State Contributions.

I. The state of New Hampshire shall, in addition to any federal grant made available under the provisions of the Clean Water Act of 1977 (or subsequent amendments thereof), pay annually 20 percent of the annual amortization charges, meaning principal and interest, on the [original] eligible costs resulting from the acquisition and construction of sewage disposal facilities by municipalities (meaning counties, cities, towns, or village districts), in accordance with RSA 148:25, RSA 149:4, IX, and RSA 149:4, XIII, for the control of water pollution. The word "construction" shall include engineering services, in addition to the construction of new sewage treatment plants, pumping stations, intercepting sewers, and sewer separation by storm drains when the latter can be demonstrated as a cost-effective method for eliminating a combined sewer overflow structure; the altering, improving or adding to existing treatment plants, pumping stations, intercepting sewers, and sewer separation by storm drains when the latter can be demonstrated as a cost-effective method for eliminating a combined sewer overflow structure; provided the construction has been directed by the division of water supply and pollution control, or constitutes a voluntary undertaking designed to control or reduce pollution in the surface waters of the state as defined in RSA 149:1, and the plan therefor is approved in compliance with the provisions of RSA 148:25, RSA 149:4, IX, and RSA 149:4, XIII.

The term ["original costs"] "eligible costs" as used in this section shall mean the entire cost of the construction of treatment plants, pumping stations, intercepting sewers and sewer separation by storm drains as defined in the Clean Water Act of 1977.

II. Notwithstanding the provisions of paragraph I, the state of New Hampshire shall make a grant to the respective communities for the following specific projects which are enumerated in this paragraph, but without any implied order of priority, in an amount that, subsequent to the application of all available federal funds and the 5 percent local share of each said project, shall provide funds to pay for all interest costs incurred by issuance of bond anticipation notes and upon completion of said project, shall provide funds which are equivalent to the annual amortization charges, meaning principal and interest, on the remaining portion of the eligible costs resulting from the acquisition and construction of said sewage disposal facilities:

- (a) Berlin;
- (b) Dover (secondary treatment facility, pump station, and force main);
- (c) Goffstown contracts 1C and 3A;
- (d) Littleton secondary treatment facility;
- (e) Manchester (west interceptor north II, piscataquog river interceptor, northeast interceptor, west interceptor south);
- (f) Nashua secondary treatment facility;
- (g) Newport secondary treatment facility;
- (h) Plymouth secondary treatment facility;
- (i) Portsmouth expansion of primary treatment facility;
- (j) Walpole village interceptor sewers;
- (k) Winchester Ashuelot village interceptor.

Referred to Appropriations.

SB 28-FN, relative to naming an unnamed route between state Route 175 and U.S. Route 3, in the towns of Holderness and Plymouth, Route 175-A. Ought to Pass.

This bill names a route, presently unnamed between State Route 175 and U.S. Route 3, in the towns of Holderness and Plymouth, Route 175-A. According to the sponsor this may make federal monies available for the repair or replacement of the bridge on this route. Vote 10-0. Rep. Roger Stewart for Transportation.

SB 74-A, relative to the port authority. Ought to Pass.

This bill uses money already in place and gives instruction that proceedings start forthwith to complete phase two (2) of the engineering study that will lead to expansion of facilities at the State pier. Vote 11-0. Rep. Irvin H. Gordon for Transportation.

SB 103, relative to motor vehicle license examinations. Ought to Pass.

The Committee feels that the approach outlined in this bill will speed up the process of issuing licenses to new applicants. There are sufficient provisions included in the bill to prevent any irregularities from occurring. The plan will not result in any added cost to the Department of Safety or to the applicant. Vote 10-0. Rep. Irvin H. Gordon for Transportation.

SB 105-FN, relative to the central interagency motorpool study committee. Ought to Pass.

This bill simply extends the existence of the Central Interagency Motorpool Study Committee from June 30, 1987 until December 1, 1987. No new appropriation is made, but any sum left of the original appropriation shall lapse on December 1, 1987. Vote 11-0. Rep. Roger Stewart for Transportation.



SB 107-FN-A, relative to the New Hampshire state airport system plan and making an appropriation therefor. Ought to Pass.  
This bill appropriates \$200,000 for the biennium for the purpose of updating the New Hampshire State Airport System Plan. This appropriation includes \$180,000 in federal funds, and \$20,000 in state funds. The Airport System Plan has not been revised for many years and the Committee felt it was essential for this to be done at this time. Vote 9-0. Rep. Roger Stewart for Transportation.

Referred to Appropriations.

SB 221-FN-A, relative to the due date for the meals and rooms tax return. Ought to Pass.

This bill provides that a meals and rooms tax return shall be considered timely if it is stamped with a United States Postal Service date stamp by the 15th of the month. Such policy is consistent with those for other state taxes. Vote 15-0. Rep. Marian R. Harrington for Ways and Means.

#### COMMITTEE REPORTS (Regular Calendar)

SB 144-FN, establishing a joint promotional program for economic development, and making an appropriation therefor. Without Recommendation. Rep. Leo W. Fraser, Jr. for Commerce, Small Business and Consumer Affairs.

Rep. Drolet moved that SB 144 be reported Inexpedient to Legislate and spoke to his motion.

Resolution adopted.

SB 83, relative to distributing political campaign literature at polling places on election day. Ought to Pass with Amendment.

The Committee believes that a 10-foot wide corridor would lessen harassment of voters, and that local moderators be able to determine other distances based on previous electioneering behavior of candidates and their representatives and location of polls. Vote 11-1. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

#### Amendment

Amend RSA 659:43, II as inserted by section 1 of the bill by replacing it with the following:

II. No person who is a candidate for office or who is representing or working for a candidate shall distribute any campaign materials or perform any electioneering activities or any activity which affects the safety, welfare and rights of voters within a corridor 10 feet wide and extending a distance from the entrance door of the building and determined by the moderator where the election is being held.

#### AMENDED ANALYSIS

This bill expands the prohibition against distributing or posting campaign materials within the building where an election is being held to also include a corridor 10 feet wide and extending a distance from the entrance door of the building as determined by the moderator where the election is being held.

Amendment adopted.

Ordered to third reading.

SB 92, relative to special elections for city and ward officers. Majority: Ought to Pass with Amendment. Minority: Ought to Pass.

MAJORITY: The passage of this bill would ensure that cities could not hold special elections on the same day as Federal or State elections were held. House Bill 466, which has already been passed by the House, did not allow school districts or towns to hold regular elections on the same day as Federal or State elections. RSA 44:11, as in the statutes, does not allow cities to hold regular elections on the same day as Federal or State elections. Vote 10-2. Rep. David A. Pierce for the Majority of Constitutional and Statutory Revision.

MINORITY: Present law prohibits the election of city and ward officers on the same day as a State biennial election. The intent of the sponsor was to exempt a special election held to fill a vacancy for the office of a city or ward officer from that prohibition. The amendment would not permit such a special election and the additional cost of such an election would have to be incurred by the cities. Reps. Natalie S. Flanagan and Carol H. Holden for the Minority of Constitutional and Statutory Revision.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Exception for Certain Special Elections. Amend RSA 44:11 to read as follows:

44:11 Times. The meeting of the inhabitants of each ward for the election of city and ward officers shall be [holden] held on such day as may be fixed by law or by ordinance of the city council but in no event shall it be held in conjunction with a biennial election; and all ward and city officers who are chosen by the people shall hold their respective offices for the term and from the day fixed by law or ordinance, and until others are appointed in their stead. [In any city where city and ward officers were elected at the 1976 biennial election, such officers shall hold office until the next otherwise scheduled city election in either 1978 or 1979 unless they shall be re-elected thereat.] The prohibitions in this section shall apply to a special election held to fill a vacancy for the office of a city or a ward officer.

#### AMENDED ANALYSIS

Present law prohibits the election of city and ward officers on the same day as a state biennial election. This bill includes a special election held to fill a vacancy for the office of a city or a ward officer in that prohibition.

Reps. Flanagan and Wright spoke against the amendment.

Rep. Stewart spoke in favor of the amendment and yielded to questions.

Amendment lost.

Ordered to third reading.

SB 40-FN-A, relative to catastrophic aid, and making an appropriation therefor. Ought to Pass with Amendment.

The entire Committee feels this bill, as amended, moves in the right direction in support of Special Education in the State of New Hampshire. Amendments require that the Special Education Bureau of the Department of Education review and approve any individual education plan with residential and placement costs exceeding \$20,000 plus develop an alternate plan in case the plan is denied by the Bureau that, said Bureau shall study any school district in which 10 percent or more of the pupils are classified as educationally handicapped. Vote 17-0. Rep. Linwood N. Purrington for Education.



## Amendment

Amend RSA 186-C:7, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Any individual education plan which includes a residential placement, and for which total education costs exceed \$20,000 shall be reviewed and approved by the special education bureau of the department of education, according to procedures adopted by the bureau. If such individual education plan is not approved, the bureau shall develop an alternative individual education plan.

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Study of Programs. Amend RSA 21-N:6 by inserting after paragraph V the following new paragraph:

VI. In any school district in which 10 percent or more of the pupils are classified as educationally handicapped, studying those districts and their special education programs to determine the reasons for the unusually high percentage of handicapped students.

Amend the bill by replacing all after section 7 with the following:

8 Percentage Changed. Amend RSA 186-C:3-a, VI to read as follows:

VI. In any school district in which [12] 10 percent or more of the pupils are classified as educationally handicapped, the bureau shall study those districts and their special education programs to determine the reasons for the unusually high percentage of handicapped students.

9 Effective Date. This act shall take effect July 1, 1987.

## AMENDED ANALYSIS

This bill, as amended, appropriates \$1 for each fiscal year of the next biennium to the state board of education for catastrophic aid for special education.

The bill, as amended, requires that any individual education plan (IEP) with a residential placement and education costs exceeding \$20,000 must be approved by the department of education's special education bureau. If the IEP is not approved, the bureau must develop an alternative one.

Rates for private providers of special education services shall be established by the office of administration in the department of education in consultation with the department of health and human services and the department of administrative services.

The commissioner of education must study and propose legislation relative to the participation of sending school districts in the creation of regional programs for special education students.

The amendment also corrects the minimum mandatory age for special education from 6 years to 3 years.

The bill also requires the special education bureau to review any school district where 10 percent or more of the pupils are classified as educationally handicapped.

Amendment adopted.

Referred to Appropriations.

SB 1-A, establishing the New Hampshire land conservation investment program and making an appropriation therefor. Ought to Pass with Amendment.

The Committee strongly endorses Senate Bill 1 as an important and essential step toward preserving New Hampshire's most cherished natural land for conservation and recreation purposes.

The Committee's unanimous support for the bill does not constitute an endorsement of any particular amount or method of funding.

The amendments offered by the Committee are relatively minor adjustments and technical changes in processes established by the bill.

The Committee's strong support of the concept of this bill does not constitute an endorsement of any particular amount or method of funding. Vote 17-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

#### Amendment

Amend RSA 221-A:2 as inserted by section 1 of the bill by replacing it with the following:

221-A:2 Program Established; Intent. There is established the New Hampshire land conservation investment program. The intent of the program is to preserve the natural beauty, landscape, rural character, natural resources, and high quality of life in New Hampshire by acquiring lands and interests in lands of statewide, regional, and local conservation and recreation importance. These lands may include aquifer recharge areas, forested watersheds, recreation lands, areas of special scenic beauty, plant and wildlife habitats, critical farmlands, undeveloped shorelines, wetlands, flood storage areas, and other important open space and natural resource conservation areas. The program shall acquire, through voluntary negotiations with landowners and utilization of all available federal, state, local, private, and other matching funds and incentives, lands, easements, development rights, and other interests in lands for the primary purposes of protecting and ensuring benefits from and public access, where appropriate, to natural resource lands of statewide, regional, and local significance. All deeds or other documents evidencing purchase of fee interest or other interest in land under this chapter shall be drawn and held in the name of the state of New Hampshire or of the municipality purchasing the interest in land through the use of matching state funds.

Amend the introductory paragraph of RSA 221-A:4, I as inserted by section 1 of the bill by replacing it with the following:

I. The New Hampshire land conservation investment program shall be administered by a board of directors composed of 15 members. Voting members shall not appoint designees to act in their places, except that the president of the senate and the speaker of the house may appoint designees for their representatives. The chairman shall be elected from among the public members. Board membership shall be as follows:

Amend RSA 221-A:4, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Three public members to be nominated by the Trust for New Hampshire Lands, and appointed by the governor and council. The Trust for New Hampshire Lands is a non-profit corporation dedicated to land conservation.

Amend RSA 221-A:4, III as inserted by section 1 of the bill by replacing it with the following:

III. The terms of the state members and the members of the senate and house of representatives shall be coterminous with their terms in office. Members appointed by the governor and council under subparagraph I(c) shall serve a 3 year term. Members appointed under

subparagraph I(d) shall serve a 2 year term. Members appointed by the governor and council may be removed from office for cause, by the governor and council. Cause for removal shall include, but not be limited to, incapacity or failure to perform the duties of a member of the board of directors. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment. Members may serve successive terms, and the legislative members shall be reimbursed for mileage at the legislative rate.

Amend RSA 221-A:5, V as inserted by section 1 of the bill by replacing it with the following:

V. Assign, for management purposes, each parcel of land or portion thereof, and each interest in land, to a state agency or, in the case of lands acquired using municipal matching money, to that municipality.

Amend the introductory paragraph of RSA 221-A:6 as inserted by section 1 of the bill by replacing it with the following:

221-A:6 Executive Director. The board of directors shall nominate one or more persons for appointment by the governor and council to serve as executive director. The executive director shall serve a term of 6 years, with a vacancy to be filled in the same manner as the original appointment. At the request of the board of directors, the governor may remove the executive director for cause. The governor shall compensate the executive director within the limits of available funds. The executive director shall:

Amend RSA 221-A:9 as inserted by section 1 of the bill by replacing it with the following:

221-A:9 Acquisition Criteria and Guidelines. The criteria and guidelines adopted by rule under RSA 221-A:5, I for acquiring lands and interests in lands shall include, but shall not be limited to, the following:

I. The land is contiguous to or enhances land already protected from development.

II. The land protects a unique natural or recreational resource.

III. The land allows for public access, where appropriate.

IV. The land serves and is managed for multiple uses.

V. The land would be acquired through the use of gifts, donations, matching funds and other incentives before state funds could be expended.

VI. The land would help to provide an equitable distribution throughout the state of land protected under this chapter. Nothing in this section shall be construed to require that each acquisition of land or interest in land under this chapter must meet all the criteria listed in this section.

Amend RSA 221-A:10, II as inserted by section 1 of the bill by replacing it with the following:

II. No lands purchased in fee for permanent state ownership under this chapter shall be posted to prohibit hunting or fishing, unless the board of directors, by a majority vote of the voting members, deems such posting to be necessary to protect the interests of the state and the safety of its citizens, or upon recommendation of the fish and game commission or the department of resources and economic development.

Amend RSA 221-A:12 and 13 as inserted by section 1 of the bill by replacing them with the following:

221-A:12 Public Access; Liability. No person, or his successor in title, who has granted or sold rights of public access by virtue of an easement, right-of-way, development right, or other means in accordance with the purposes of this chapter shall be liable to a user of that right of access for injuries suffered on that portion of the access way unless those injuries are caused by the willful or wanton misconduct of the grantor or successor in title.

221-A:13 Notification; Public Hearing. Prior to the acquisition in fee under this chapter of any land by the state for permanent state ownership the board of directors shall notify by certified mail, return receipt requested, the governing body of the municipality in which the land to be acquired is located. Upon receipt of such notice, the governing body of the municipality shall post a public notice of the proposed land acquisition and shall, at the request of 10 or more registered voters, petition the board to conduct a public hearing. The board shall allow at least 3 weeks for a response from the governing body of the municipality prior to making any decision on the proposed acquisition.

Amend section 3 of the bill by replacing it with the following:

3 Appropriation. The sum of \$1 is appropriated for the biennium ending June 30, 1989, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

#### AMENDED ANALYSIS

The bill, as amended, establishes the New Hampshire land conservation investment program. The program consists of a trust fund to be administered by a 15-member board of directors, including the director of the office of state planning, the chairman of the fish and game commission, the commissioners of the departments of resources and economic development, agriculture, and environmental services, 2 members each of the house of representatives and the senate, the state treasurer or his designee, 3 public members to be nominated by the Trust for New Hampshire Lands and appointed by the governor and council, and 2 public members to be appointed by the governor and council.

The board is empowered to establish criteria for selecting lands to be protected, and to purchase various interests and rights in such lands for that protection, after receiving the approval of governor and council. The board must file an annual report with the speaker of the house, president of the senate, and governor and council detailing interests and rights purchased in land and a complete accounting of the trust funds.

The bill requires that all deeds or documents relative to interests in land purchased under this chapter be drawn and held in the name of the state of New Hampshire or the municipality which uses matching funds from the program.

The bill requires the board to notify the governing body of a municipality if a parcel of land in the municipality is under consideration for purchase. The governing body must post notice of the proposed purchase, and petition the board for a public hearing at the request of 10 registered voters in the town.

The bill authorizes the state to match funds from municipalities from the trust fund to purchase lands meeting the program's criteria.

Appropriate state agencies and municipal governments are to administer the public trust lands purchased under the program, as determined by the board of directors.



The bill provides liability protection to grantors or sellers of rights or interests in land under the program against action for injuries suffered on those properties.

The program is subject to review in 1993.

Amendment adopted.

Referred to Appropriations.

SB 6-FW-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor. Without Recommendation. Rep. Elizabeth A. Greene for Environment and Agriculture.

Rep. Shriver moved that SB 6 be reported Ought to Pass with Amendment and spoke to her motion.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a joint study committee of the house and senate relative to additional staff and equipment for the division of air resources.

Amend the bill by replacing all after the enacting clause with the following:

1 Air Quality Monitoring; Personnel, Equipment Needs; Study Committee Established.

I. There is established a joint study committee to review the needs of the division of air resources, department of environmental services, for additional personnel and equipment to be used to perform the following functions:

(a) monitor statewide air quality;

(b) assist the director in assessing preconstruction estimates of air quality effects of potential air pollution emission sources required under RSA 125-C:11, IV; and

(c) provide continuous monitoring of air pollution sources suspected of violating permit emissions limitations or standards, contributing to significant deterioration of air quality standards, or failure to attain or maintain any ambient air quality standard.

II. The study committee shall be composed of 3 members of the senate, appointed by the president of the senate, all of whom shall be members of the committee on executive departments, and 3 members of the house, appointed by the speaker of the house, all of whom shall be members of the committee on environment and agriculture, and the director, division of air resources, department of environmental services. The committee shall report its legislative recommendations to the president of the senate and the speaker of the house, not later than November 1, 1987.

III. Members of the committee shall be reimbursed for their mileage at the legislative rate.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

The bill, as amended, establishes a joint legislative study committee to consider additional equipment and personnel needs of the division of air resources to improve its ability to monitor statewide air quality and estimate air quality impacts of potential air pollution emission sources

prior to their construction. The committee is to report its legislative recommendations to the president of the senate and the speaker of the house by November 1, 1987.

Amendment adopted.

Referred to Appropriations.

SB 78-FN-A, relative to benefits for a spouse upon the death of a retired group II member. Ought to Pass with Amendment.

This amendment to SB 78, relative to benefits upon a member's death after retirement, covers in addition to and does not affect any optional allowance that the member may have at the time of retirement. If the member elects a reduced retirement allowance option, then the surviving spouse's benefit, provided by this act, will be one-half of the reduced allowance that is paid to the retired member before the member's death. The members who retired with a disability get these benefits under present law. The intent and design of this bill is to provide all Group II members who die after retirement with a 50% continuous allowance to a member's spouse until remarried. Vote 17-1. Rep. Lawrence Richardson for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Benefits for Spouse. RSA 100-A:12 is repealed and reenacted to read as follows:

100-A:12 Benefits Upon Member's Death After Retirement - Group II Members.

I. Upon the death of a retired group II member who retired before April 1, 1987, after the member's retirement allowance payments have commenced, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600; provided, however, that if said retired member was, prior to the member's death, in receipt of an accidental disability retirement allowance there shall be paid to the persons' spouse, if surviving, in lieu of such lump sum payment, an allowance to continue until the spouse's death or remarriage equal to 50 percent of the accidental disability retirement allowance payable to the retired member prior to the member's death.

II. Upon the death of a retired group II member who retired on or after April 1, 1987, after the member's retirement allowance payments have commenced, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600, and there shall be paid to the member's surviving spouse an allowance to continue until the spouse's death or remarriage equal to 50 percent of the member's service, ordinary disability, or accidental disability retirement allowance payments. This allowance shall be in addition to the lump sum payment of \$3,600.

2 Funding. Notwithstanding any provisions of RSA 100-A:16, II(h) to the contrary, the total actuarial cost of providing the additional benefits provided in section 1 of this act for group II members in service on April 1, 1987, shall be terminally funded from the special account created by RSA 100-A:16, II(h), on a 5 year amortization commencing on the effective date of this act at the rate of \$281,500 per year for group II permanent policemen and \$233,000 for group II permanent firemen. The actuarial cost of providing such additional benefits to persons who become



group II members after April 1, 1987, shall be funded as provided in RSA 100-A:16, II(b), (d) and (e).

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

Under the provisions of this bill, as amended, upon the death of a retired group II member who retired on or after April 1, 1987, after his retirement allowance payments have commenced, there shall be paid to the person's surviving spouse an allowance to continue until the spouse's death or remarriage equal to 50 percent of the member's retirement allowance payments. This allowance is in addition to the lump sum payment currently made upon a group II member's death after retirement. Benefits upon the death of a retired group II member who retired before April 1, 1987 remain the same.

As amended, the bill provides funding for the additional benefits for those group II members in service on April 1, 1987, based on a 5-year amortization commencing on the effective date of the act, at the rate of \$281,500 per year for group II permanent policemen and \$233,000 for group II permanent firemen.

Amendment adopted.

Referred to Appropriations.

SB 142-FN-A, increasing rates for shared homes and for certain residents of community living homes and making an appropriation therefor. Ought to Pass with Amendment.

The Committee reviewed data, testimony, letters, and had additional questions answered by the Department of Mental Health. The bill increases the standard of need under RSA 167:7, I-a, for residents of shared homes and some community living homes. The bill, as amended, appropriates \$258,958 from Federal funds and \$1,276,082 from general funds for the biennium for purposes of this act. The amendment, which passed 18-0, includes Special Home Care Residences so as to not create an imbalance in the small private providers within the Mental Health System. Vote 18-0. Rep. Katherine D. Foster for Health and Human Services.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

increasing rates for shared homes and for residents of specialized home care residences and making an appropriation therefor.

Amend the bill by replacing section 1 with the following:

1 Supplemental Appropriation. The sums of \$258,958 from federal funds and \$1,276,082 from general funds for the biennium ending June 30, 1989, are hereby appropriated to the division of human services, department of health and human services, for the purpose of increasing the standard of need under RSA 167:7, I-a, for residents of shared homes and for residents of specialized home care residences who do not receive subsidies from the division of mental health and developmental services. This appropriation is in addition to any other funds appropriated to the division of human services, and such amount shall be reduced by the amount of any federal funds received. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

## AMENDED ANALYSIS

This bill increases the standard of need under RSA 167:7, 1-a for residents of shared homes and residents of specialized home care residences.

The bill, as amended, appropriates \$258,958 from federal funds and \$1,276,082 from general funds for the biennium for the purposes of this act.

Amendment adopted.

Referred to Appropriations.

SB 219-FN-A, relative to a state operated multiple DWI offender minimum security detention center and making an appropriation therefor. Ought to Pass with Amendment.

The Committee has amended the bill to make second offense (DWI) a mandatory sentence of not less than 10 consecutive days, three of which should be served in the County House of Correction and 7 at the State Intervention Detention Center. Changes of an administrative nature included separation of fines and intervention detention costs, a 30-day minimum sentence for failure to complete program; bed availability schedule to facilitate the 10-day consecutive sentence. In addition, there is a classification section to make clear the distinction between revocation and suspension of license, and each's penalty. Vote 13-0. Rep. Alf E. Jacobson for Judiciary.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to a state operated multiple DWI offender intervention detention center and making an appropriation therefor and relative to driving after revocation or suspension.

Amend the bill by replacing all after the enacting clause with the following:

1 Multiple DWI Offender Program. RSA 265:82-b, I(b) is repealed and reenacted to read as follows:

(b)(1) Upon conviction based upon a complaint which alleged that the person has had one or more prior convictions in this state or another state and were within the 7 years preceding the date of the second or subsequent offense, said person shall be guilty of a misdemeanor and shall be sentenced upon conviction or at the end of the defendant's appeals period to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24 hour periods shall be served in the county house of corrections and 7 consecutive 24 hour periods shall be served at the state operated multiple DWI offender intervention detention center within 21 days after conviction or at the end of the defendant's appeals period. In such circumstances where the multiple DWI offender intervention detention center has no available space, he shall be assigned the first available space.

(2) The defendant shall be fined not more than \$500 which shall be paid to the clerk of court and shall also be placed on probation for one year. In addition, he shall pay a sum not to exceed \$500 through the probation department for the costs of the state operated multiple DWI offender intervention detention center program. Failure to complete the program shall be a violation of the terms of his probation. The defendant shall serve a minimum of 30 days in the county house of corrections for violation of said probation. The multiple DWI offender

intervention detention center shall be administered and operated by the office of alcohol and drug abuse prevention pursuant to the provisions of RSA 172-B:2-b. The state operated multiple DWI offender intervention detention center program shall furnish to the courts and to the division of motor vehicles, department of safety, a report indicating when the defendant has successfully completed the program. Included in that report shall be any recommendations for further treatment or involvement in Alcoholics Anonymous when appropriate and warranted. The court, upon receipt of such report, may after a hearing order the defendant to follow the treatment recommendations at a court-approved treatment facility. The state operated multiple DWI offender intervention detention center program shall also submit an annual report on or before January 1 of each year to the speaker of the house of representatives and the president of the senate.

(3) Further, if the defendant is a resident of the state, his driver's license or driving privilege or, if he is a nonresident, his privilege as an out-of-state driver to drive on any ways of this state shall be revoked; and he shall be ineligible to hold a license or to drive upon any way in this state for the next 3 calendar years. The driving privilege or driver's license of a person who has had 2 or more prior convictions within the 7 year period shall be revoked indefinitely, and he shall be ineligible to hold a license or to drive on the ways of this state for at least the next 3 calendar years.

(4) Successful completion of the multiple DWI offender intervention detention center program shall satisfy the requirements of RSA 263:65-a.

2 New Paragraph; Subsequent Offense Following Completion of Multiple DWI Offender Intervention Detention Center Program. Amend RSA 265:82-b by inserting after paragraph II the following new paragraph:

II-a. Any person who has completed the multiple DWI offender intervention detention center program and is subsequently convicted under the provisions of RSA 265:82 or RSA 265:82-a, or any combination thereof, shall be sentenced to imprisonment for a period of not less than 30 consecutive 24 hour periods and this person shall complete at his own expense a 28 day treatment program before his driver's license or driving privilege may be restored.

3 New Paragraph; Driving After Revocation or Suspension. Amend RSA 263:64 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding the definition of "revocation" in RSA 259:90 and the definition of "suspension" in RSA 359:107, the phrase "period of suspension or revocation" as used in paragraph IV and for purposes of paragraph IV only shall mean only suspension or revocation imposed by a court of competent jurisdiction.

4 New Section; Multiple DWI Intervention Detention Center Program. Amend RSA 172-B by inserting after section 2-a the following new section:  
172-B:2-b Multiple DWI Offender Intervention Detention Center Program.

I. The director shall be responsible for administration and operation of the 7 day multiple DWI offender intervention detention center program which persons convicted under RSA 265:82 or 82-a may be required to attend under the provisions of RSA 265:82-b.

II. The fees for confinement and intervention costs collected shall be deposited in a special nonlapsing revolving account in the office of the state treasurer under RSA 6:12, I(w) and may be withdrawn by the director only for the purposes of this section.

III. The director shall adopt rules, pursuant to RSA 541-A, relative to the operation of the multiple DWI offender intervention detention center program with respect to:

(a) Program curriculum and content.

(b) The fee to be paid by each client as provided in paragraph II.

(c) Bed availability schedules.

(d) Any other matter related to the proper administration of this section.

5 Special Account Established. Amend RSA 6:12, I by inserting after subparagraph (v) the following new subparagraph:

(w) Fees collected by the office of drug and alcohol abuse prevention pursuant to RSA 172-B:2-b, which shall be credited to the fund established by RSA 172-B:2-b.

6 Appropriation. The sum of \$250,000 is hereby appropriated to the office of alcohol and drug abuse prevention for the fiscal year ending June 30, 1988. This appropriation shall be nonlapsing and shall cover the costs of the first year operation of the multiple DWI offender intervention detention center program which, after its first year of operation, shall be self-supporting. This appropriation is in addition to any other funds appropriated to the office of alcohol and drug abuse prevention. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date.

I. Sections 1 and 2 of this act shall take effect upon completion of the renovations of Spaulding Hall at the Laconia state school for an alcohol and drug treatment facility, for which \$350,000 is appropriated to the office of alcohol and drug abuse prevention in HB 200-A.

II. The remainder of this act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill, as amended, provides for certain DWI treatment programs which will be required for multiple DWI offenders. The bill establishes a multiple DWI offender intervention detention center program to be administered and operated by the office of alcohol and drug abuse prevention. The sum of \$250,000 is appropriated from the general fund for the operation of this program. After the first year of operation, the program shall be self-supporting, funded by fees to be collected from clients.

The multiple DWI offender intervention detention center program shall not become operational until certain renovations to Spaulding Hall at the Laconia state school, where the program will be located, have been completed.

This bill, as amended, clarifies the language of the law on driving after revocation or suspension without actually changing the substance of that law.

Amendment adopted.

Referred to Appropriations.

CACR 21, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court. Ought to Pass with Amendment.

CACR 21 provides the Legislature with the long overdue authority to veto Administrative Rules. Currently, these rules (which have the force and effect of laws) are proposed, adopted and enforced by non-elected government employees over any objection by the Legislature. In most recent times, this has produced such abhorrent results as the "snack tax" and biannual auto inspections after the Legislature adopts an annual inspection law. The Legislature has the constitutional authority to formulate laws and make rules. Without the proper legislative oversight in the administrative rule making procedure, this important constitutional protection for the people of New Hampshire is not guaranteed. With



annual sessions firmly in place, the Legislature can act appropriately in a very timely manner, to ratify (or not) any Administrative Rules. CACR 21 was adopted unanimously by the Senate and the House Administrative Rules Committee. The full House should also adopt CACR 21 unanimously. It will then be incumbent upon all legislators to inform their constituents of the importance of this CACR in maintaining the closeness of the people to the law and rule making process in New Hampshire. Vote 11-0. Rep. Vincent J. Palumbo, Jr. for Legislative Administration.

#### Amendment

Amend the constitutional amendment-concurrent resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the constitution to provide that the legislature may delegate regulatory authority to executive branch officials, but that any proposed rules may be disapproved by the legislature or an appropriate legislative committee, as prescribed by law?

Amendment adopted.

Rep. Palumbo spoke in favor of the report.

Rep. Sara Townsend spoke in favor of the report and yielded to questions.

Rep. Guay abstained from voting under Rule 16.

342 members having voted in the affirmative and 5 in the negative, CACR 21 was adopted by the necessary three-fifths.

SB 111, relative to electing zoning board of adjustment members. Inexpedient to Legislate.

Although the Committee felt Senate Bill 111 had merit, the majority of the Committee voted 13-7 Inexpedient to Legislate because it was waiting for further amendments which were never received. Rep. Barbara J. Baldizar for Municipal and County Government.

Resolution adopted.

SB 149, to prohibit regulations which exclude a municipality's fair share of multi-family housing. Ought to Pass with Amendment.

This bill, as amended, requires any municipality, which adopts land use regulations, to afford reasonable opportunities for the development of multi-family housing as a permitted use or a special exception under conditions clearly stated in the local regulations. Vote 16-2. Rep. Kurt A. Normandin for Municipal and County Government.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

to prohibit the exclusion of multi-family housing in municipalities and relative to the establishment of inclusionary zoning and linkage standards.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Multi-family Housing. Amend RSA 674 by inserting after section 32 the following new subdivision:

#### Multi-family Housing

674:32-a Exclusion of Multi-family Housing. A municipality shall not exclude multi-family housing as defined in RSA 674:43. Any municipality which adopts land use control regulations shall afford reasonable opportunities for the development of multi-family housing as a permitted use or a special exception under conditions clearly stated in the local regulations.

2 Application. Each municipality shall have one year from the date upon which this act becomes effective to make its master plan, zoning ordinance, nonresidential site plan review regulations, and other regulations conform to the provisions of section 1 of this act.

3 Additional Innovative Land Use Controls. Amend RSA 674:21, I to read as follows:

I. Innovative land use controls may include, but are not limited to:

- (a) Timing incentives;
- (b) Phased development;
- (c) Intensity and use incentive;
- (d) Transfer of development rights;
- (e) Planned unit development;
- (f) Cluster development;
- (g) Impact zoning;
- (h) Performance standards;
- (i) Flexible and discretionary zoning; [and]
- (j) Environmental characteristics zoning[.];
- (k) Inclusionary zoning; and
- (l) Linkage standards.

4 New Paragraph; Inclusionary Zoning and Linkage Defined. Amend RSA 674:21 by inserting after paragraph III the following new paragraph:

IV. As used in this section:

(a) "Inclusionary zoning" means land use control regulations which provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low and moderate income. Inclusionary zoning includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined application process.

(b) "Linkage" means a local land use control regulation which authorizes a municipality to require a developer to provide housing or funds for the municipality to offset the negative impact of a proposed development on the supply of housing which is affordable to persons or families of low and moderate income. Linkage shall only be authorized when a developer is seeking a variance, rezoning, or some other discretionary deviation from local land use control regulations which are applicable to the proposed development.

(c) "Persons or families of low and moderate income" means persons or families whose total income is less than 80 percent of the median income for the geographical area in which the municipality is located, as determined from time to time by the United States Department of Housing and Urban Development published in the Federal Register.

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, provides that no municipality shall exclude multi-family housing. The bill, as amended, requires any municipality which adopts land use regulations to afford reasonable opportunities for



the development of multi-family housing as a permitted use or a special exception under conditions clearly stated in the local regulations.

As amended, the bill also adds inclusionary zoning and linkage to what may be included in innovative land use controls.

Amendment adopted.

Ordered to third reading.

SB 231-FN, relative to manufactured housing zoning. Ought to Pass with Amendment.

This bill, as amended, will ensure that the municipalities will exercise their authority to zone and regulate manufactured housing in such a manner that reasonable and realistic opportunities will exist for the placement of manufactured housing in all municipalities. Vote 11-9. Rep. Kurt A. Normandin for Municipal and County Government.

#### Amendment

Amend RSA 674:32 as inserted by section 1 of the bill by replacing it with the following:

674:32 Manufactured Housing. Municipalities shall afford reasonable opportunities for the siting of manufactured housing and a municipality shall not exclude manufactured housing completely from the municipality by regulation, zoning ordinance or by any other police power. A municipality which adopts land use control measures shall allow, in its sole discretion, manufactured housing to be located on individual lots in most, but not necessarily all, [residential areas] land areas in districts zoned to permit residential uses within the municipality, or in manufactured housing parks and subdivisions created for the placement of manufactured housing on individually owned lots in most, but not necessarily all, land areas in districts zoned to permit residential uses within the municipality, or in all 3 types of locations. Manufactured housing located on individual lots shall comply with lot size, frontage requirements, space limitations and other reasonable controls that conventional single family housing in the same district must meet. No special exception or special permit shall be required for manufactured housing located on individual lots or manufactured housing subdivisions unless such special exception or permit is required by the municipality for single family housing located on individual lots or in subdivisions. Municipalities permitting manufactured housing parks shall afford realistic opportunities for the development and expansion of manufactured housing parks. In order to provide such realistic opportunities, lot size and overall density requirements for manufactured housing parks shall be reasonable.

Amend the bill by replacing section 2 with the following:

2 Compliance. Every municipality which regulates manufactured housing by regulation, zoning ordinance, or by any other exercise of the police power shall be in compliance with the provisions of section 1 of this act by July 1, 1988. Any municipality which is not in compliance with the provisions of section 1 of this act by July 1, 1988, shall permit manufactured housing in any area of the municipality in which other residential housing uses are permitted.

3 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. The remaining of this act shall take effect July 1, 1988.

## AMENDED ANALYSIS

This bill requires that a municipality which adopts land use control measures shall allow, in its sole discretion, manufactured housing to be located in most, but not necessarily all, land areas in districts zoned to permit residential uses within the municipality, or in manufactured housing parks and subdivisions created for the placement of manufactured housing on individually owned lots in most, but not necessarily all, land areas in districts zoned to permit residential uses within the municipality, or in all 3 types of locations. This bill, as amended, provides that no special exception or special permit shall be required for manufactured housing located on individual lots or manufactured housing subdivisions unless such special exception or permit is required by the municipality for single family housing located on individual lots or in subdivisions.

Amendment adopted.

Ordered to third reading.

SB 75-A, authorizing the study of the feasibility of reconstructing U.S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire to increase capacity and safety, and making an appropriation therefor. Ought to Pass.

There is a great need for improving traffic and traffic control between Portsmouth and Massachusetts state line. Vote 12-3. Rep. James C. Chamberlin for Public Works.

Referred to Appropriations.

SB 97-FN, establishing a study committee relative to the feasibility of one-way tolls on part of the turnpike system. Ought to Pass. As there were several questions pertaining to the establishment of one-way tolls, the Public Works Committee felt that the study committee proposed in this bill was the only method to obtain the answers to these questions. Vote 12-3. Rep. Beaton Marsh for Public Works.

Ordered to third reading.

SB 128-A, authorizing the construction of a Keene bypass extension and making an appropriation therefor. Ought to Pass.

A bad traffic problem will be studied with this bill. Further, Keene has consistently attempted to address its traffic problems responsibly and ought to be supported. Vote 12-3. Rep. Fredrik Peyron for Public Works.

Referred to Appropriations.

SB 151-A, relative to traffic improvements at the intersection of New Hampshire routes 9 and 155 and making an appropriation therefor. Inexpedient to Legislate.

Lack of formal plans and no firm cost estimates caused the Committee to defeat an Ought to Pass motion. The Committee desired to re-refer SB 151, but under Joint Rules the deadline has passed for re-referral. The result, if the Committee's recommendation is accepted by the House, will push any consideration of this problem until 1989. Vote 14-5. Rep. James A. Chandler for Public works.

Resolution adopted.

SB 157, relative to the relocation of toll booths or widening of access traffic arteries that are determined to be a major bottleneck to the motoring public. Inexpedient to Legislate.

After much deliberation, the Public Works Committee felt that the original bill and an amended version were still too ambiguous and would present many problems to the Department of Transportation in future road planning in the state. The Committee commends Rep. Chris Jacobson for his work on the amendment, but felt that it still needed much more work to be a workable solution. Vote 21-0. Rep. Gene G. Chandler for Public Works.

Resolution adopted.

SB 187-FN-A, relative to the Weeks traffic circle. Ought to Pass. There is a question regarding funding, however, the need is definitely established. Vote 16-3. Rep. William K. Kincaid for Public Works.

Referred to Appropriations.

SB 51, relative to airboats, mufflers, and decibel levels of boats. Ought to Pass with Amendment.

The amendment proposed adds the words "including a hovercraft" to the paragraph defining airboats. Vote 10-1. Rep. Irvin H. Gordon for Transportation.

#### Amendment

Amend section 1 of the bill by replacing it with the following:

1 New Definition. Amend RSA 270:2 by inserting after paragraph VII the following new paragraph:

VIII. "Airboat" means any shallow-draft boat propelled by an airplane propeller and steered by an airplane rudder or any boat, including a hovercraft, which is designed to travel on a cushion of air on or within 2 feet of the water, not including any mechanical device which also functions as an airplane.

Amendment adopted.

Ordered to third reading.

SB 201-FN-A, relative to boat speeds on public waters and making an appropriation therefor. Inexpedient to Legislate.

Several hours of testimony were heard on this bill. Two basic themes were evident: those speaking in favor of the bill emphasized overcrowding and desire to see tighter control of boat traffic with emphasis on need for safety practices. Opponents of the bill spoke of removal of personal freedom and the problems of enforcement of existing laws. There is no doubt that desire to use the lakes is increasing and this results in more boats and heavier traffic. Danger on the lakes does not seem to be in direct proportion to the number of boats, but rather in the skill and judgment of the operators. That there is need for increased patrol personnel seems to be evident and the department is attempting to respond to it. The Committee felt that existing laws, with stricter enforcement, are better than increasing the laws and laying still greater stress on the enforcement agency. Vote 9-2. Rep. Burton W. Knight for Transportation.

Rep. Dexter moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Burton Knight, Haynes and Thurston spoke against the motion and yielded to questions.

Rep. Elizabeth Greene spoke in favor of the motion and yielded to questions.

Reps. Jensen, Daniel Eaton and Irvin Gordon spoke against the motion.

Reps. Matson and Dickinson spoke in favor of the motion.

Rep. Harold Burns moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Rep. Reardon abstained from voting under Rule 16.

YEAS 198 NAYS 151

YEAS 198

BELKNAP: Bowler, Richard Campbell, Dexter, Golden, Hardy, Hawkins, Holbrook, Maviglio and Randall.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio and Schofield.

CHESHIRE: Clark, Cole, Jesse Davis, Delano, Doucette, Foster, Hunt, Matson, Parker, Perry, Ramsay, Sawyer and Schwartz.

COOS: Brady, Marsh, Mayhew and Purrington.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Copenhagen, Crystal, Hammond, Michael King, Wayne King, McAvoy, Rounds, Scanlan, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Alukonis, Barbara Arnold, Bass, Beaupre, Lionel Boucher, Boutwell, Bowers, Burkush, A. Leslie Burns, Cid, Cote, Cowenhoven, Cox, Gerard Desrochers, William Dion, Domaingue, Dube, Ducharme, Nancy Ford, Ruth Gage, Genest, Marian Harrington, Healy, Michael Jones, Cornelius Keane, Donna Kelly, Alice Knight, Kurk, Lanzara, Lefebvre, Lown, Magee, Mason, Bonnie McCann, McGlynn, Messier, Robert Murphy, Nixon, Packard, Pappas, Paquette, Pariseau, Pignatelli, Price, Reidy, Herbert Richardson, Ellen-Ann Robinson, Routhier, Leonard Smith, Steiner, Tarpley, Vanderlosk, Wagner, Watson, Emma Wheeler, Kenneth Wheeler and Zajdel.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Cahill, Gross, Hager, Douglas Hall, Hayes, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Lockwood, Millard, Nichols, Pantzer, Provencal, Rehlander, Trombly, Wallner, West and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, Blanchard, Blanchette, Buco, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cushing, Drake, Flanagan, Thomas Gage, Elizabeth Greene, Hoar, Hollingworth, Hynes, Robert Johnson, Lovejoy, Mace, William F. McCain, Pevear, Popov, Read, Ritzo, Sanderson, Sherburne, Skinner, Splaine, Vaughn, Walker, Warburton, Welch, Wells and Wright.

STRAFFORD: Bates, Bernard, Chamberlin, Dingle, Patricia Foss, Jean, Robert Jones, Sandra Keans, Koromilas, Laurion, Martling, William McCann, Parks, Proulx, Spear, Ralph Torr, Wilson and John Young.

SULLIVAN: D'Amante, Domini, Ingram, Krueger, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 151

BELKNAP: Malcolm Harrington, Jensen, Locke, Pearson, Lawrence Richardson, Thurston, Turner and Wixson.

CARROLL: Powers and Saunders.

CHESHIRE: Blacketor, Corrigan, Daschbach, Daniel Eaton, Frink, Irvin Gordon, Grodin, LaMar, Pierce and David Young.

COOS: Brungot, Harold Burns, Coulombe, Guay, Horton, Kilbride, Lemire, Nelson, Oleson and Theriault.

GRAFTON: Adams, Christy, Dearborn, Densmore, Driscoll, Lougee, Ezra Mann, Stewart and Walter.

HILLSBOROUGH: Ahern, Ahrens, Baker, Baldizar, Bourque, Buckley, Cusson, Daigle, William Desrosiers, Paul Dionne, Donovan, Drolet, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Frank, Gagnon, Gelinas, Granger, Scott Green, Grip, Guilbert, Hatch, Holden, Humphrey, Chris Jacobson, Keefe, Robert Kelley, Leclerc, Levesque, Long, Lozeau, McRae, Moore, Morrisette, Perham, Rodgers, Sallada, Shriver, Soucy, Stiles, Stonner, Sullivan, Turgeon, Ware, Winn, Wood and Zis.

MERRIMACK: Asplund, Austin, Laurent Boucher, Fraser, Gilbreth, George E. Gordon, Burton Knight, Merton Mann, Manus, Philbrick and Stio.

ROCKINGHAM: Blaisdell, Carpenito, Cooke, Cressy, Ellyson, Felch, Fesh, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Gosselin, Gourdeau, Haynes, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Malcolm, McGovern, Newell, Palumbo, Rosencrantz, Schmidtschen, Schwaner, Seward, Simon, Sochalski, Tilton, Tufts and Weddle.

STRAFFORD: Appleby, Casey, Albert Dionne, Anita Flynn, Edward Flynn, Frechette, Kincaid, Kinney, Lussier, McManus, Pelley, Swope and Ann Torr.

SULLIVAN: Behrens, Brodeur, Cutting, Flint, Lindblade, McKee and Peyron, and the motion was adopted.

Referred to Appropriations.

SB 207-FN, relative to the funding of catastrophic illness from taxes on tobacco products. Inexpedient to Legislate.

The fiscal impact of this bill would decrease the General Fund for the biennium by 1.6 to 1.8 million dollars. With the Tobacco Tax on a decline because of the smoke-free movement, the revenue from this source is already going down at a rate of 3-1/2% to 4.0%. Vote 15-0. Rep. Beverly T. Rodeschin for Ways and Means.

Resolution adopted.

Rep. Lockwood notified the Clerk that he wished to be recorded against the Committee report.

SB 196-FN-A, relative to health hazards in the home and making an appropriation therefor. Ought to Pass.

This bill was requested by the Division of Public Health Services, Department of Health and Human Services. It allows the Department to conduct an investigation upon request of occupants of dwellings and dwelling units for the purpose of identifying health hazards. Under this bill, as amended, the Director of the Division of Public Health Services may make recommendations to the occupants and owners of such dwelling or dwelling unit regarding the abatement or control of any health hazards found during the investigation. The Director is authorized to establish fees and a waiver procedure by rule to cover the administrative costs of the new chapter. The bill appropriates \$1 for the biennium ending June 30, 1989, for the purposes of this act. Vote 18-0. Rep. Mary J. Sullivan for Health and Human Services.

Referred to Appropriations.



SENATE MESSAGE  
REQUESTS CONCURRENCE WITH AMENDMENT

HB 503, relative to regulation of existing weirs. (Amendment printed SJ 4/23)  
Rep. Rounds moved that the House concur.  
Adopted.

## ENROLLED BILLS REPORT

HB 50, relative to utilization of the Hampton parking meter revenues.  
HB 71, relative to the fiscal note process.  
HB 95, relative to hunting accidents.  
HB 146, relative to sunset review of the department of health and human services - office of the commissioner.  
HB 166, renewing the department of health and human services - division of public health services - electrologists for 4 years.  
HB 227, requiring notification of late payments by subcontractors to unions.  
HB 244, establishing a study committee to review existing fire laws.  
HB 316, permitting refunds for stamps destroyed after affixing to tobacco products.  
HB 515, relative to liens in favor of home health care providers.  
HB 545, establishing a task force on homelessness.  
HB 656, relative to cruelty to animals.  
SB 101, relative to political campaign contributions by state employees.  
SB 123, amending ward lines for the city of Portsmouth.  
SB 214, relative to the allocation of the state's tax-exempt private activity bond limit.  
SB 218, relative to clean indoor air in restaurants.  
Rep. Raymond C. Buckley, II  
Sen. John P.H. Chandler, Jr.  
For the Committee.

Rep. Scamman, for the entire House, offered the following:

## HOUSE RESOLUTION NO. 38

honoring the General Federation of Women's Clubs and the New Hampshire Federation of Women's Clubs.

WHEREAS, in 1890, the General Federation of Women's Clubs was organized and today is the world's largest international organization of women volunteers, and

WHEREAS, in 1895, the New Hampshire Federation of Women's Clubs was organized and today numbers more than six thousand members who comprise seventy-seven clubs throughout the State, and

WHEREAS, in 1936, the New Hampshire Federation of Junior Women's Clubs was organized and today numbers more than fifteen clubs throughout the State, and

WHEREAS, the New Hampshire House of Representatives has among its 400 esteemed members, many who belong to the New Hampshire Federation of Women's Clubs, and

WHEREAS, April 24, 1987 has been proclaimed national General Federation of Women's Clubs Day, and

WHEREAS, being affiliated with the national organization, the New Hampshire Federation of Women's Clubs will participate in the nationwide celebration, now therefore be it



RESOLVED, by the House of Representatives in Regular Session convened, that the General Federation of Women's Club be saluted on its ninety-seventh birthday, and that the New Hampshire Federation of Women's Clubs likewise be saluted on its fifty-first birthday, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to the elected officers to the state organization.

Unanimously adopted.

Rep. Scamman, for the entire House, offered the following:

HOUSE RESOLUTION NO. 39

memorializing former State Representative Elsie M. Brown of Durham.

WHEREAS, we have learned with great sorrow of the death of former State Representative Elsie M. Brown, and

WHEREAS, as an elected and honorable member of the New Hampshire House, Elsie M. Brown, for the biennium of 1957-1958, served the voters of Durham as a productive member of the Standing Committee on Education, and

WHEREAS, having been born in Bremen, Germany in 1891, Elsie Brown came to the United States in 1923 and shortly thereafter settled in Durham, becoming a caring, contributing member of the community, and

WHEREAS, for more than forty years, Elsie M. Brown was an energetic and devoted leader in the American Legion Auxiliary, serving as State President, President of both the Newmarket and Durham Units, District Three Director, Eastern Division Chairwoman of Junior Activities, and National Committeewoman, and

WHEREAS, in 1941, Elsie M. Brown founded the Granite State Conference of the American Legion Auxiliary, and

WHEREAS, Elsie M. Brown, for twenty years, served as Director of the New Hampshire Tuberculosis Association, and for four years chaired the State Republican Woman's Division, and was active in the Order of Women Legislators, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Elsie M. Brown be recognized for her contributions and devotion to the American Legion Auxiliary and to New Hampshire, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to her family, and that a suitable copy of this Resolution be prepared for presentation to her family.

Unanimously adopted by a rising vote of silent prayer.

The Dover Delegation offered the following:

HOUSE RESOLUTION NO. 40

memorializing former State Representative Arthur D. Maglaras of Dover.

WHEREAS, we have learned with sorrow of the death of former State Representative Arthur D. Maglaras, who during the biennium of 1981-1982 served as an honorable and esteemed member of the New Hampshire House, and

WHEREAS, during his tenure as a servant of the people in District Eighteen of Strafford County, Arthur D. Maglaras was an energetic, diligent member of the Standing Committee on Ways and Means, and

WHEREAS, having been a lifelong resident of the City of Dover, Arthur D. Maglaras served the people of the community as an elected City Councilor, earning the respect and admiration of local voters for his energetic problem solving, and

WHEREAS, having been blessed with an abundance of community spirit, Arthur D. Maglaras deeply cared for the City of Dover and worked hard to

ensure that the City received a dollar's worth of work for each dollar spent, and

WHEREAS, Arthur D. Maglaras, during World War II, served with the United States Navy, and later was an active and contributing member of the American Legion Dover Post Number 8 and the Veterans of Foreign Wars Dover Post Number 752, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Arthur D. Maglaras be publicly saluted for his dedicated service to the City of Dover, the State of New Hampshire and the country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 30 at 11:00 a.m.

Adopted.

#### LATE SESSION

#### Third reading and final passage

SB 62, relative to counting absentee ballots in cities and towns which use voting machines.

SB 137, relative to voting in state and presidential primary elections.

SB 138, relative to sessions for correcting the checklist.

SB 139, relative to election law dates.

SB 193, reinstating the charter of United Energy Systems, Inc.

SB 21, relative to administrative inspection warrants.

SB 56, relative to false impersonation of a law enforcement officer or investigator.

SB 158, relative to limitations of prosecutions of sexual assault offenses.

SB 94, providing the legislative budget assistant with access to certain records.

SB 99-FN, establishing a study committee to determine whether the department of transportation has fully implemented the legislative directives of the general court.

SB 220-FN, relative to redemption after a tax sale.

SB 155-FN, relative to the collection of tolls on an incomplete turnpike highway system.

SB 233-FN, relative to capital budget requests for airports in the state.

SB 28-FN, relative to naming an unnamed route between state Route 175 and U.S. Route 3, in the towns of Holderness and Plymouth, Route 175-A.

SB 74-A, relative to the port authority.

SB 103, relative to motor vehicle license examinations.

SB 105-FN, relative to the central interagency motorpool study committee.

SB 221-FN-A, relative to the due date for the meals and rooms tax return.

SB 83, relative to distributing political campaign literature at polling places on election day.

SB 92, relative to special elections for city and ward officers.

CACR 21, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court.

SB 149, to prohibit regulations which exclude a municipality's fair share of multi-family housing.

SB 231-FN, relative to manufactured housing zoning.

SB 97-FN, establishing a study committee relative to the feasibility of one-way tolls on part of the turnpike system.

SB 51, relative to airboats, mufflers, and decibel levels of boats.

Rep. Palumbo moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 3:34 p.m.

## RECESS

(Rep. Parker in the Chair)

## ENROLLED BILLS REPORT

HB 662, relative to reimbursement of the state for patients rendered services by the secure psychiatric unit.

HB 663, legalizing action by the city of Franklin in adopting a budget and supplemental budget for an optional fiscal year and authorizing debt during the transition period.

SB 58, relative to detention powers of county fair security guards.

SB 234, authorizing the commissioner of health and human services to transfer authority for operation of medical assistance programs.

HB 11, relative to the number of library trustees.

HB 13, to revive the charter of the Chocorua Chapel Association, a nonprofit organization.

HB 29, relative to fees paid to municipal shelters or humane society facilities for unlicensed dogs held there.

HB 30, relative to uniform allowance for newly commissioned second lieutenants and warrant officers in the New Hampshire national guard and making an appropriation therefor.

HB 43, relative to eligibility for admittance to the New Hampshire veterans' home.

HB 46, relative to the state radiation advisory committee.

HB 160, relative to sunset review of postsecondary education commission - veterans education service and repealing the advisory committee.

HB 221, to revive the charter of the Pequawket Foundation, a nonprofit organization.

HB 249, relative to the shore frontage and acreage at the Laconia state school and training center.

HB 266, relative to the state veterans' needs committee.

HB 291, relative to cosmetology.

HB 312, to legalize a town meeting held in Canaan.

HB 456, relative to interference with burial grounds and unlawful possession or sale of gravestones.

HB 462, to provide New Hampshire Purple Heart recipients with special commemorative license plates.

HB 488, relative to the department of revenue administration.

HB 497, establishing a committee to study granting municipalities the option of setting their own tax rates.

HB 500, to revive the charter of the First Church (Congregational) in Jaffrey.

HB 503, relative to regulations of existing weirs.

HB 542, relative to preferred provider agreements.

HB 555, relative to lucky 7 tickets sold by dispenser devices.  
HB 556, relative to recording fees.

Rep. Natalie S. Flanagan  
For the Committee.

RECESS

(Speaker in the Chair)

Rep. Phelps moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 22

*Thursday, 30Apr87*

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Spirit of the Living God, draw near to us as we gather this day. Many of us feel fatigue from the storms that have raged around us, and within us. We pray that you would prepare us to do our work faithfully and well.

We can understand the wisdom of Mark Twain when he said that if two people agree about everything, one of them is unnecessary. Rather teach us to speak our convictions clearly and honestly. Help us to grow, that we might disagree without being disagreeable.

And in all things, Holy God, remind us that we are called to seek the good for those whom we serve. In patient hope we pray. Amen.

Rep. Ducharme led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Yeaton, Blaisdell and Lussier, the day, illness.

Reps. Cushing, Cooke, Brown, Sochalski, Wixson and Waliner, the day, important business.

Reps. McCain and Wadsworth, the day, death in the family.

Rep. Joseph MacDonald, the day, illness in the family.

## INTRODUCTION OF GUESTS

Dana Stranger, guest of Rep. Dexter; Edward Pevear, husband of Rep. Pevear; Vic and Vera Starzyniski and their daughters Laurie and Amy, Vincent and Edith Townsend, guests of Rep. Barnes; Anthony Lanzara, son of Rep. Lanzara; Attorney Jack P. Crisp, guest of Rep. Austin; Karl Reitz, Mayor of Laconia; Nancy Brockman, Thomas Space, guests of Rep. Lawrence Richardson; Russell Newell and Robert Emro, guests of Rep. Kincaid; Nancy Potvin and her daughters, Shana and Carinne, guests of Rep. Stonner; Jason Price, son of Rep. Price; High School members of the Future Business Leaders of America, guests of Rep. Fraser; Dr. Martin Asplund and Amy Asplund, husband and daughter of Rep. Asplund; Mr. and Mrs. Ted Davidson, guests of Rep. Parker; Dr. and Mrs. Edward Becker, parents of Rep. Pignatelli; Lois Pantzer, wife of Rep. Pantzer; Stella and Bruce Scamman, wife and son of Rep. Scamman.

Reps. Palumbo and Chambers moved that the Honorable Senate be notified that the House is ready to meet in Joint Convention at 11:15 a.m. for the purpose of hearing an address by General Alexander Haig.

SENATE MESSAGES  
CONCURRENCE

HB 250-FN-A, making an appropriation to the Conway village fire district authorizing the Conway village fire district to issue bonds, and relative to funding waste water treatment systems.

HB 408-FN, relative to establishing a uniform fine schedule for boating violations.

HB 184, relative to docking on public waters of the state.

HB 114-FN, relative to sunset review of dental board and relative to continuing education and confidentiality of certain hearings by the dental board.

HB 102-FN, relative to sunset review of the office of legislative services.

HB 120-FN, relative to sunset review of the plumbers board.

HB 442, extending certain temporary rulemaking authority of the commissioner of labor.

HB 135-FN, relative to sunset review of the public utilities commission - administration and support.

HB 391, creating a division of agricultural development in the department of agriculture using currently available funding and personnel.

HB 517, relative to assessments for sewer rental charges.

HB 575-FN, relative to certification standards for laboratories.

HB 303-FN, relative to fees collected by the New Hampshire port authority.

HB 509, relative to boat maintenance or repair plates.

HB 75-FN-A, relative to registration fees for pesticide products.

HB 153-FN, relative to sunset review of the board of education - financial aid.

HB 154-FN, relative to sunset review of the board of education - special services.

HB 157-FN, relative to sunset review of the board of education - general instruction, school district evaluation guidelines.

HB 173-FN, relative to sunset review of the postsecondary education commission nursing scholarship program, requirements for the nursing scholarship program and a leveraged incentive program.

HB 174-FN, relative to sunset review of postsecondary education commission - war orphan scholarships.

HB 208-FN, relative to the limit on trout taken by fly fishing in Clarksville Pond in the town of Clarksville.

HB 281-FN, establishing a study committee on teacher shortages and salaries.

HB 229, relative to exemption of skeet, trap, shooting sports clubs and owners of shooting ranges from any civil or criminal actions relating to noise pollution.

HB 362-FN-A, relative to returns and taxable meals under the meals and rooms tax.

HB 425-FN, relative to the powers of the adult parole board and credits for good conduct.

HB 366-FN-A, making supplemental appropriations to the University of New Hampshire cooperative extension service and to the board of veterinary medical examiners.

HB 382, relative to boating law enforcement.

HB 420, restricting power boats on Hermit Lake in the town of Sanbornton and requiring the division of safety services to make a study and hold a hearing relative to boating on Lake Pemigewasset in the towns of New Hampton and Meredith.

HB 544-FN, increasing the limit on the state guarantee of bonds and notes of school districts.

HB 612, relating to insurance holding companies.

HB 550-FN, regulating investment promoters.

HB 655-FN, relative to the testing of livestock in pulling contests.



HB 668-FN, relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.

HCR 5, supporting initiatives at all levels seeking to solve the potentially catastrophic problem of depletion of the earth's ozone layer.

HB 682-FN, establishing a procedure for enforcing the payment of parking fines.

#### NONCONCURRENCE

HB 101-FN, relative to sunset review of the joint legislative committee on review of agencies and programs and relative to the legislative review process.

HB 675-FN, relative to workers' compensation liens against uninsured motorist recoveries.

HB 258-FN, relative to limitations on liability.

HB 405, establishing a presumption of negligence for liability resulting from a nuclear incident.

HB 528-FN, instituting a confidential system to protect engineers reporting construction safety violations.

#### RE-REFERRED TO COMMITTEE

HB 687-FN, relative to eligibility for disability payments to injured workers.

HB 697-FN, relative to the definition of "wages" for workers' compensation purposes.

HB 436, relative to insurance coverage of home health care.

HB 240-FN, relative to septic inspections on waterfront properties and relative to creating 3 new positions within the division of water supply and pollution control and making an appropriation therefor.

HB 403-FN, clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations.

HB 480, recodifying the county corrections laws.

#### SENATE MESSAGE

The Senate is ready to meet in Joint Convention.

#### JOINT CONVENTION

(Speaker presiding)

The Speaker introduced General Alexander Haig who addressed the House briefly.

Rep. Palumbo and Sen. Dupont moved that the Joint Convention arise.  
Adopted.

The Joint Convention adjourned.

#### HOUSE

(Speaker in the Chair)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

SB 54, relative to the investments of non-profit health service corporations. Ought to Pass.

This bill limits non-profit health service organization companies to 10% investments in life insurance companies. Vote 17-0. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

SB 173, relative to disclosure of motor vehicle defects. Ought to Pass.

Senate Bill 173 is a housekeeping measure to existing law. The bill requires the manufacturer to notify in writing to the dealer any damage to an automobile that was caused during transportation. The bill adds to the current law that the dealer must disclose in writing to the consumer any known damages. Vote 17-0. Rep. David L. Gelinas for Commerce, Small Business and Consumer Affairs.

SB 229-FN, relative to health clubs. Ought to Pass with Amendment.

This bill changes existing RSAs dealing with health clubs, posting surety bonds and exemptions. It also requires health clubs to put membership fees in an escrow account until it begins operations. Vote 18-0. Rep. A. Leslie Burns for Commerce, Small Business and Consumer Affairs.

## Amendment

Amend RSA 358-I:2, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The attorney general shall exempt from the bonding requirement set forth in paragraph III any health club that meets any of the following conditions:

(a) Provides the attorney general with a statement that the club accepts membership fees on a monthly basis only; provided, however, that any club charging an initiation fee shall comply with RSA 358-1:2, VI.

(b) Establishes to the satisfaction of the attorney general that its membership refund liability does not exceed \$1,000.

Amend RSA 358-I:2, V as inserted by section 3 of the bill by replacing it with the following:

V. Any seller intending to open or operate a health club within this state and who solicits or accepts membership fees before a club begins operating shall place all such fees in an escrow account and shall identify the date the club is to begin operating. The seller shall provide each member a written receipt for the membership fee and shall provide each member a copy of the contract required under RSA 358-I:3 on or before the date the club begins operating. If the club does not begin operating within 10 days of the date originally identified by the seller, the seller shall notify, within 15 days of the date originally identified by the seller, each member of the new date that the club shall begin operating. If the new date for beginning operations is not within 45 days of the date originally identified by the seller, the seller shall refund the membership fees to the members plus interest. Under no circumstances may a seller hold membership fees in escrow for more than 60 days after the date originally identified by the seller as the date the club would begin operating. A seller may withdraw funds from the escrow account 10 days after the club begins operating. The escrow account required by this paragraph shall be separate from any escrow account required under RSA 358-I:2, III.

Amend RSA 358-I:6-a, II as inserted by section 7 of the bill by replacing it with the following:

II. The financial documentation necessary to assure financial responsibility to make refunds under RSA 358-I:2. Financial information filed with the attorney general pursuant to this paragraph shall not be disclosed publicly except in connection with a hearing, civil action, or criminal action involving the party who submitted the information.

Amend the bill by replacing section 8 with the following:

8 Limitation on Payment Periods. RSA 358-I:5 is repealed and reenacted to read as follows:

358-I:5 Length of Membership Contract; Automatic Renewal Prohibited. No contract for health club services shall be for a term of more than 2 years, nor shall any health club contract contain an automatic renewal clause. A contract may provide for a renewal option for continued membership, but any such renewal must be accepted in writing by a buyer and is effective only upon payment of the renewal price. Under no circumstances may a contract for health club services be renewed more than 30 days before the contract's expiration date.

9 Effective Date. This act shall take effect 60 days after its passage.

SB 217-FN, relative to school administrative units. Ought to Pass. This bill results from the SAU study which recommended an avenue for additional supervisory units. Vote 17-0. Rep. Edmund M. Keefe for Education.

SB 67, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs. Ought to Pass with Amendment.

This bill increases the share of hazardous material transportation penalties or fees going to state, local or regional emergency response programs from the current 5 percent to 15 percent and reduces the state's share for the Hazardous Waste Cleanup Fund from 75% to 65%. The amendment requires that distribution be made at least annually and that monies accumulated through June 30, 1987, be used for training of firefighters and purchase of equipment by January 1, 1988. Passage of the bill would result in approximately \$36,000 for use across the state on an annual basis. Vote 19-0. Rep. Merle W. Schotanus for Environment and Agriculture.

#### Amendment

Amend the introductory paragraph to RSA 106-A:21 as inserted by section 1 of the bill by replacing it with the following:

106-A:21 Civil Penalties. Any person who violates any of the provisions of this subdivision, any rule adopted under this subdivision or any term or condition of a license or permit issued under this subdivision shall be subject to a civil penalty not to exceed \$5,000 for a natural person or \$25,000 for any other person. The sums obtained from the levying of civil penalties or fees under this subdivision shall be distributed at least annually in the following manner:

Amend the bill by replacing all after section 1 with the following:

2 New Subparagraph; Rulemaking; Use of Hazardous Material Transportation Penalty Fees. Amend RSA 106-A:18, I by inserting after subparagraph (e) the following new subparagraph:

(f) Adopting rules, pursuant to RSA 541-A, establishing the criteria for distribution of hazardous material transportation penalty fees under RSA 106-A:21, II.

3 Date for Distribution.

I. All penalties or fees collected pursuant to RSA 106-A:17-23 during the fiscal year ending June 30, 1987, shall be distributed according to the percentages under RSA 106-A:21 prior to the effective date of this act. All penalties or fees collected pursuant to RSA 106-A:17-23 on or after July 1, 1987, shall be distributed according to RSA 106-A:21 as amended by section 1 of this act.

II. All penalties or fees collected under RSA 106-A:17-23 prior to the fiscal year ending June 30, 1987, shall be distributed by the commissioner to state, regional, or local emergency response programs exclusively for the training of firefighters and the purchase of equipment to be used primarily for such training. Said funds shall be distributed not later than January 1, 1988.

4 Effective Date. This act shall take effect July 1, 1987.

AMENDED ANALYSIS

The bill, as amended, increases the share of hazardous material transportation penalties or fees going to state, local, or regional emergency response programs from the current 5 percent to 15 percent and reduces the state's share for the hazardous waste cleanup fund from 75 percent to 65 percent. The bill requires the distribution of the funds to be made at least annually, and makes it clear when the new distribution will apply.

The bill requires that all hazardous material transportation penalties or fees collected prior to fiscal year 1987 be distributed to various emergency response programs by January 1, 1988, for training of firefighters and purchase of equipment, to be used primarily for training.

SB 175-FN, providing a cost of living increase for New Hampshire retirement system and teachers' retirement system members. Ought to Pass with Amendment.

This bill provides a 5% increase, compounded on increases previously granted, in the benefits paid to all retired members and beneficiaries of the New Hampshire Retirement System. In accordance with the methods and policies established in 1986 by HB 438, the increases are permanent and are terminally funded from the special account within the Retirement System that is intended for that purpose. The granting of the increases is based on the availability of funds and not on the consumer price index; this is NOT a cost-of-living adjustment. Also included in the bill are the remaining 18 teachers retired before 1957 under RSA 192, who are not covered by Social Security, who will receive a retirement allowance increase that is based on the consumer price index.

The amendment changes the increase format (but not its intent) in accordance with procedures established in HB 438, and also for the first time makes permanent the accumulated increases for the pre-1957 retired teachers and funds them from the special account. Vote 15-0. Rep. Richard H. Campbell, Jr., for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

providing allowance increases to retired members and beneficiaries of the New Hampshire retirement system and predecessor systems.

Amend the bill by replacing section 1 with the following:

1 Additional Allowances. Amend RSA 100-A:42-b, I and 1I to read as follows:

I. All beneficiaries of the New Hampshire retirement system or of its predecessor systems who are receiving retirement allowances according to RSA 100-A or to RSA 100, RSA 102, RSA 103, or RSA 192, except teachers retired prior to July 1957, shall receive additional allowances as shown in the following table according to the date of retirement. The additional allowance shown shall become a permanent part of each beneficiary's [base] retirement allowance as of July 1, [1986] 1987:

Date of Retirement	Percent Additional Allowance	
Prior to July 1, 1961	[71.00]	79.55
July 1961-Dec. 1967	[55.45]	63.22
Jan. 1968-Sept. 1975	[42.62]	49.75
Oct. 1975-June 1977	[27.34]	33.71
July 1977-Sept. 1979	[21.28]	27.34
Oct. 1979-June 1981	[10.25]	15.76
July 1981-June 1983	[ 5.00]	10.25
July 1983-June 1985	5.00	

1I. The additional allowances provided in paragraph I shall apply, in the percentage shown, to the retired member's service retirement benefits as provided in RSA 100-A:5, or to disability retirement benefits as provided in RSA 100-A:6, or to the annuity of the beneficiary of a deceased member's death benefits as provided in RSA 100-A:8 or 9, or to vested deferred retirement benefits as provided in RSA 100-A:10, or to any optional retirement allowance that the member may have elected under RSA 100-A:13, or to the annuity of a beneficiary of a deceased retired member who elected an option providing for a survivor annuity under RSA 100-A:13[.], or to benefits provided under former RSA 100, RSA 102, RSA 103, or RSA 192.

Amend the bill by replacing sections 5 and 6 with the following:

5 Additional Allowances. The additional allowances provided in sections 2, 3, and 4 of this act shall become a permanent part of each beneficiary's allowance as of July 1, 1987.

6 Funding of Additional Allowance:

I. The total actuarial cost of providing the additional allowances as provided in sections 1-5 of this act shall be terminally funded from the special account created by RSA 100-A:16, 1I(h).

1I. Notwithstanding the requirement under RSA 100-A:42-a that the granting of additional allowances shall be contingent upon the terminal funding of the total actuarial cost thereof at the time of granting, if the special account created by RSA 100-A:16, 1I(h) is insufficient to fully terminally fund sections 1-5 of this act, the balance of the moneys required for such funding shall be drawn from the special account as it becomes available until the total liability has been funded.

7 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

As amended, this bill provides a 5 percent cost of living adjustment for New Hampshire retirement system beneficiaries who retired between



July, 1983 and June, 1985, effective July 1, 1987, and also provides increases in the additional allowances currently received by other retirement system beneficiaries.

As amended, the bill also provides an increase in the retirement allowance for teachers retired under the teachers' retirement system, RSA 192.

Funding for the additional allowances comes from the retirement system special account, RSA 100-A:16, II(h). As amended, if the special account is insufficient to fully terminally fund the provisions of this act, the balance of the moneys required for such funding shall be drawn from the special account as it becomes available until the total liability has been funded.

Referred to Appropriations.

SB 200-FN, permitting group II state employee members who reach age 60 to make an election for retirement benefits. Ought to Pass with Amendment.

As amended, this bill upon passage allows Group II members to retire at age 65 regardless of number of years' service. Two years later, the required age drops to 60, putting it on line with Group I retirement. The age 65 provision is the same as HB 700, and corrects an error in 1979 legislation that eliminated compulsory retirement without providing for optional retirement at age 65. Under either the age 65 or 60 provision, the amount of retirement allowance remains proportional to the actual number of years' service. Vote 17-0. Rep. Richard H. Campbell, Jr., for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

permitting group II members who reach age 60 and age 65 to make an election for retirement benefits.

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement Benefits for Certain Group II Members. Amend RSA 100-A:5, II(a) to read as follows:

(a) Any group II member in service who has attained age 45 and completed 20 years of creditable service, or who has attained age 65 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof [he] the member desires to be retired, notwithstanding that during such period of notification [he] the member may have separated from service.

2 Retirement Benefits for Certain Group II Members. Amend RSA 100-A:5, II(a) to read as follows:

(a) Any group II member in service who has attained age 45 and completed 20 years of creditable service, or who has attained age [65] 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.



## 3 Effective Date.

I. Section 2 of this act shall take effect July 1, 1989.

II. The remainder of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill, as amended, permits a group II member of the New Hampshire retirement system to retire at age 65 regardless of the number of his years of creditable service, beginning on the effective date of the act. As of July 1, 1989, a group II member may retire at age 60 regardless of the number of years of the member's creditable service.

Referred to Appropriations.

SB 202-FN, relative to the state treasurer and the secretary of state. Inexpedient to Legislate.

There is already legislation in process to study the total unclassified employees group. It is the opinion of the Committee that the study will encompass the intent of SB 202 and all interim studies should be unified in order to prevent any injustices in the anticipated new plan. Vote 17-0. Rep. William F. McCain for Executive Departments and Administration.

SB 108, relative to immunity in criminal cases. Inexpedient to Legislate.

This bill restricts prosecutors from using transactional immunity. It only allows use immunity instead. Since present law allows both types of immunity, passage of this bill would tie the hands of prosecutors in an undesirable way. Vote 11-1. Rep. Marc A. Chretien for Judiciary.

SB 115, relative to marriage. Ought to Pass.

Testimony from city and town clerks throughout the southern part of the State established that New Hampshire was being used constantly as an escape from more stringent requirements for waivers of age and waiting periods on licenses. The fact that we have no resident requirement was pointed to as the most serious loophole in our laws. An additional problem, that of marriage of aliens to United States citizens in order to escape immigration requirements, is addressed through the resident requirements in the bill. These problems are fully addressed in this bill. Additionally, the bill would prevent unisex marriages and allow marriages currently prohibited between certain people who are related only by marriage and not by blood. Vote 9-3. Rep. Robert E. Murphy for Judiciary.

SB 121-FN-A, authorizing the attorney general to undertake proceedings on behalf of resident taxpayers of this state regarding certain taxes imposed by the state of Maine. Ought to Pass.

The Committee unanimously supports this bill which addresses the continuing unfair taxing practices of our neighboring State of Maine of New Hampshire workers employed in Maine. The bill authorizes the Attorney General to undertake judicial proceedings on behalf of New Hampshire residents to challenge the imposition of taxes imposed upon them under Maine personal income tax statutes. Vote 12-0. Rep. Alec J. Koromilas for Judiciary.

SB 238-FN, relative to bail reform. Re-Refer to Committee.

The intent of this bill is to follow the Federal law in specific cases where pretrial detention becomes necessary to protect the public. The provisions of this bill are very complex requiring much additional

Committee time to assure that this bill will give proper protection to the accused and the public. Vote 11-1. Rep. C. William Johnson for Judiciary.

SB 211-FN, relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study committee. Ought to Pass with Amendment.

This bill, as amended, addresses several concerns regarding leaking underground storage tanks (LUST) and the pollution resulting from same.

(1) The oil pollution control fund cap is increased to \$2,750,000.

(2) This bill provides for interim emergency water supplies for oil pollution victims while waiting for insurance settlements or a decision on who is the responsible party.

(3) All monies collected, either penalties or insurance settlements, shall be paid into the oil pollution fund as reimbursement to that fund.

(4) The license fee is extended to include all oil products entering the State.

(5) This bill establishes a committee and directs it to study means of financing and administering an underground storage tank revolving loan fund for tank replacement as well as investigating alternative sources of funding for tank owners. This report is due in November with recommendations for legislation for the 1988 Session. Vote 17-0. Reps. Janet M. Conroy and Wayne L. Spear for Resources, Recreation and Development.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Oil Spillage in Public Waters; Purpose. Amend RSA 146-A:1 to read as follows:

146-A:1 Declaration of Purpose. The purpose of this chapter is to cope with the problem of pollution from the spillage of oil, recognizing the damage resulting to vegetation, marine, animal and bird life from oil spillage. The general court finds that pollution of domestic water supplies by leaking oil tanks has become a serious threat to the health of those persons who rely on such water supplies. It is the intent of this chapter to provide procedures that will expedite the cleanup of oil spillage, including the use of funds from the oil pollution control fund to mitigate the adverse effects of leaking storage tanks, and to encourage private organizations to assist in that effort.

2 Oil Pollution Control Fund; Purpose and Use. Amend RSA 146-A:11-a to read as follows:

I. There is hereby established the New Hampshire oil pollution control fund. This non-lapsing, revolving fund shall pay the salaries and expenses of the persons specified in RSA 146-A:11, except the civil engineer IV and one environmentalist III, as well as the costs to implement RSA 146-A which include but are not limited to the costs of removal or corrective measures deemed necessary by the division of water supply and pollution control as a result of an actual or potential oil discharge into or onto the surface or groundwaters of the state. Moneys from the fund shall be used to mitigate the adverse effects of leaking underground storage tanks including, but not limited to, provision of emergency water supplies to persons affected by such pollution. Not less than 10 percent of the moneys in the fund shall be allocated annually for research programs dedicated to the development and improvement of preventive and clean-up measures concerning such oil discharges. In the event of an oil discharge, the division of water supply and pollution

control may expend, with the approval of governor and council, such additional sums as are necessary to clean up the discharge except that the total amount expended may not exceed the balance in the New Hampshire oil pollution control fund. Income derived from the oil pollution control fund shall only be used for those administrative costs needed to implement RSA 146-A and any other costs cited in this section.

II. Moneys in the fund not currently needed to meet the obligations of the division of water supply and pollution control under this chapter shall be deposited with the state treasurer to the credit of said fund and may be invested as provided by law. Interest received on such investment shall also be credited to the fund. If the fund's balance becomes greater than [\$1,500,000] \$2,750,000, the license fees established in RSA 146-A:11-b, II, shall be discontinued and only re-established when the fund's balance is 20 percent below the [\$1,500,000] \$2,750,000 balance.

III. The corrective measures authorized by paragraph I of this section shall include, but not be limited to:

- (a) provision of interim water supplies to residents whose water supplies have been contaminated due to an oil discharge; or
- (b) damage mitigation and prevention procedures established pursuant to RSA 146-A:11-c, V-a.

IV. All funds paid to the state to reimburse costs paid out of the oil pollution control fund by any person or operator strictly liable to the state under RSA 146-A:3-a and 146-C:11 shall be placed in the oil pollution control fund.

3 Strict Liability for Corrective Measures. Amend RSA 146-A:3-a, I(b) to read as follows:

- (b) Cleanup and restoration of the site and surrounding environment, and corrective measures as defined under RSA 146-A:11-a, III, (a) and (b);

4 Strict Liability for Corrective Measures. Amend RSA 146-C:11, I(b) to read as follows;

- (b) Cleanup and restoration of the site and surrounding environment, and corrective measures as defined under RSA 146-A:11-a, III, (a) and (b); and

5 New Paragraphs; Oil Pollution; Damage Mitigation and Prevention; Inspection and Verification of Transfer Records. Amend RSA 146-A:11-c by inserting after paragraph V the following new paragraphs:

V-a. Procedures for mitigation and prevention of damage due to oil leakage or spillage.

V-b. Procedures for inspection and verification of oil transport and transfer records of licensees under RSA 146-A:11-b.

6 Penalty Fees; Oil Pollution Control Fund. Amend RSA 146-C:10 to read as follows:

146-C:10 Penalty.

I. Any person who owns or operates an underground storage facility without a permit as required by this chapter or who fails to comply with a condition of that permit or who violates the rules adopted under this chapter relative to underground storage facilities shall be subject to a civil penalty of not more than \$1,000 for each day of violation. Such a violation may also be enjoined by the superior court upon application of the attorney general. An owner who is not also the operator of the facility shall not be liable for violations relating to recordkeeping and inventory control.

II. All moneys collected under this section shall be paid into the oil pollution control fund established under RSA 146-A:11-a.

7 License Fee; Importation of Oil into the State. Amend RSA 146-A:11-b, II to read as follows:

II. Any operator, distributor, dealer, or broker [who has a storage facility capable of storing 1,000 or more barrels of oil and] who or any wholesale terminal facility which transfers or transports or

causes to be transferred or transported oil into the state shall be licensed under this chapter. The annual fee for the license shall be determined on the basis of \$.025 per barrel of oil transferred into this state during the license period. The license fee shall be computed at the point of entry of the oil into this state. The fee shall be paid monthly by the licensee to the division of water supply and pollution control and then deposited by the division of water supply and pollution control into the oil pollution control fund. Imposition of the fee shall be based on records of the licensee and certified as accurate to the division of water supply and pollution control.

8 New Paragraph; New Definition; Wholesale Terminal Facility. Amend RSA 146-A:2 by inserting after paragraph X the following new paragraph:

X1. "Wholesale terminal facility" means any facility of any kind and its related appurtenances that is primarily a wholesale distributor of oil products and that is used or capable of being used for pumping, handling, transferring, processing, refining, or storing oil.

9 New Definition; Licensee. Amend RSA 146-A:11-b, 1-a to read as follows:

(a) "Licensee" means any [person owning or operating an oil terminal facility, whether by lease, contract or any other form of agreement, within this state; and] operator, distributor, dealer, or broker who, or any wholesale terminal facility which transfers or causes to be transferred or transported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products.

10 Study Committee Established. An interim study committee is established to examine financing mechanisms for an underground storage tank replacement revolving loan fund, to investigate the equitability of the current license fee under RSA 146-A, and to investigate alternative sources of funding with which owners of underground storage tanks might meet their financial responsibility. The committee shall consist of 9 members, as follows:

1. Two members of the house of representatives appointed by the speaker of the house; of these 2 members, one shall be a member of the committee on resources, recreation and development, and the other shall be a member of the environment and agriculture committee.

11. Two members of the senate, appointed by the senate president, both of whom shall be members of the development, recreation and environment committee.

III. Three members representing the oil industry in the state, one of whom shall represent the independent gasoline dealers, to be appointed by the governor.

IV. The state treasurer or his designee.

V. The commissioner of environmental services or his designee.

VI. The director of the governor's energy office or his designee.

VII. The commissioner of insurance or his designee.

11 Purpose. The creation of this committee under section 10 of this act represents the legislature's recognition of the need to minimize the economic burden placed on small businesses by new rules and the need to protect groundwater quality without causing undue financial hardship to small businesses.

12 Duties of Committee. The study committee shall investigate means of financing and administering an underground storage tank revolving loan fund for the purpose of tank replacement and compliance with rules, and the equitability of the current license fee under RSA 146-A, and alternative sources of funding with which owners of underground storage tanks might meet their financial responsibility including, but not limited to, an insurance pool. The committee shall report its recommendations for legislation to the governor, the president of the senate, and the speaker of the house no later than November 1, 1987.



13 Compensation. Members of the study committee shall serve without compensation, except that members of the legislature shall receive mileage at the legislative rate.

14 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

The bill, as amended, expands the purpose section of RSA 146-A to include mitigation of contamination of water supplies caused by leaking underground oil storage tanks. It authorizes the use of money in the oil pollution control fund for mitigation of pollution from leaking underground storage tanks, including provision of emergency water supplies.

The bill increases the ceiling on the oil pollution control fund balance from \$1,500,000 to \$2,750,000.

The bill also creates a study committee to investigate means of financing an underground storage tank replacement revolving loan fund, the equitability of the current oil importers license fee, and alternative funding sources for owners of underground storage tanks to meet their financial responsibilities.

SB 228-FN, relative to disobeying a law enforcement officer. Ought to Pass with Amendment.

This bill was amended by adding date of birth to the list of items that must be correctly provided to a police officer, if requested. Giving false information is a crime. The reason for adding date of birth is that this information is needed to access the computer in order to get a driver's record. Vote 14-0. Rep. Irvin H. Gordon for Transportation.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Disobeying a Law Enforcement Officer. Amend RSA 265:4, I(a) and (b) to read as follows:

(a) Refuse, when requested by a law enforcement officer, to give his name, address, date of birth, [and address] and the name and address of the owner of such vehicle;

(b) Give a false name [or], date of birth, address, name and address of the owner of such vehicle, or any other false information to a law enforcement officer that would hinder the law enforcement officer from properly identifying the person in charge of such motor vehicle;

#### AMENDED ANALYSIS

This bill, as amended, makes it a crime for a person who is driving or in charge of a motor vehicle to give a false date of birth or false name and address of the vehicle's owner or other false information or to refuse to give his address or date of birth when stopped by a law enforcement officer.

#### COMMITTEE REPORTS (Regular Calendar)

SB 8, granting counties the authority to acquire and operate public utilities. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This bill authorizes counties to acquire, establish and operate plants for utilities to serve the county and its inhabitants.

Control of such plants is vested in the county commissioners. The bill is loosely written, and it is the belief of the majority of the Committee that this attempt at counties running utilities is out of reason. If this bill passed and 100% of the counties went into the utility business, the towns and cities would lose over \$27,000,000 in property taxes. Vote 16-2. Rep. C. Dana Christy for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: This Senate passed bill enables the counties the same status already provided to the towns and cities to cooperatively work together to provide the cheapest energy available to their cities. Rep. Raymond C. Buckley, II for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Christy moved that SB 8 be made a Special Order for Tuesday, May 5 at 1:30 p.m. and spoke to his motion.

Adopted.

SB 43-FN, relative to regional banking. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: The Committee found that the claims of the bill's opponents were not supported by fact, or by experience in other states, especially Maine - which has had interstate banking affiliation longer than any other state. This bill is different from bills considered before and is strictly limited to New England. Passage of this bill will enhance competition in banking which will result in better rates on loans and deposits. Passage of the bill will bring more bank capital into New Hampshire and better banking products and services for New Hampshire business and consumers. Passage will also give the Legislature and the state more and better control over our financial infrastructure. New Hampshire consumers are becoming increasingly dependent on unregulated non-banks for financial services. New Hampshire business is having to do much of its banking out-of-state. We prefer to encourage capital to flow into New Hampshire through the banks we regulate. This legislation contains the tightest control and regulatory provisions of any of the 38 states which have passed similar laws. The bill was strongly supported by every business group which testified. It has strong support beyond the established banking community from consumers, bank employees and representatives of small business. With passage now assured in Vermont, New Hampshire should not be isolated financially as the only state without such powers in New England - and east of the Mississippi River. Vote 16-4. Rep. Leo W. Fraser, Jr., for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: There is no compelling reason, at this time, to experiment with the New Hampshire banking system. Passage of this bill would mark the point of no return. It is irrevocable, and we do not need to rush to do this.

The bill has some serious constitutional problems which were raised at the public hearing and which were not addressed or even considered by the Subcommittee or the full Committee. The Attorney General's opinion was not requested.

This bill gives out-of-state banks the right to buy New Hampshire banks without getting anything of value in return. Other states which have passed interstate banking laws have demanded and gotten specific commitments from the acquiring banks to finance economic growth in slow-growth areas, low and moderate income housing and small business loans.

This bill does nothing for the State of New Hampshire and gives away too much. Proponents have had nine months to draft a good interstate bill, and this bill fails to protect New Hampshire's economic and financial interests.



If and when the time ever comes to adopt interstate banking, we'll know it and we'll draft a good bill which protects the interests of New Hampshire's consumers and small businesses. Now is not the time! Reps. A. Leslie Burns, Patricia H. Foss, George H. Baker, Sr., and Cornelius J. Keane for the Minority of Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend RSA 384:44, X(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Has banking subsidiaries within the continental limits of the United States which have banking offices located only in New England.

Amend RSA 384:46 as inserted by section 2 of the bill by replacing it with the following:

384:46 Establishment of New New Hampshire Banks. An out-of-state New England bank or bank holding company may establish a bank in New Hampshire under the statutory procedures governing the establishment of a new bank, except that the bank or bank holding company may be the sole incorporator. The formation, incorporation, and activities of a bank established by an out-of-state New England bank or bank holding company shall be governed by the provisions of the laws of New Hampshire applicable to such bank or bank holding company and shall require a certificate under the same terms and conditions in accordance with the provisions of RSA 384:48-50.

Amend RSA 384:48, V as inserted by section 2 of the bill by deleting subparagraphs (d) and (e).

Amend section 2 of the bill by inserting after RSA 384:54 the following new section:

384:55 Commissioner's Report. The commissioner shall submit a report to the speaker of the house and the senate president on the status and economic impact of regional banking on or before January 1, 1989, and biennially on or before January 1 thereafter.

#### AMENDED ANALYSIS

This bill sets up a mechanism by which out-of-state banks and bank holding companies located solely in New England may establish new banks or affiliate with banks and bank holding companies in New Hampshire. The following is a section-by-section analysis.

1. Section 1 is a statement of purpose.

2. Section 2 inserts a new subdivision, RSA 384:44-54, governing procedures for establishment of new banks in New Hampshire and acquisitions of 5 percent or more of the voting stock of a New Hampshire bank or bank holding company.

I. RSA 384:44-51 set out the requirements with which out-of-state New England banks and bank holding companies must comply. To establish a new bank or acquire 5 percent or more of the voting stock of an existing bank or bank holding company in New Hampshire, an out-of-state New England bank or bank holding company must apply for an affiliation certificate from the board of trust company incorporation. The applicant must file detailed information for both itself and, if applicable, the bank to be affiliated with on such matters as initial and future plans for capital investment; loan, investment and dividend policies; records of performance in serving

community needs; and present and planned organizational charts. The applicant must also enter into an agreement to provide reports and permit examinations of its records.

Under this bill, as amended, a fee of \$10,000 must be paid upon application, along with additional amounts that may be necessary to cover the costs of administration. Certain time limitations apply to the application procedure. The bank commissioner is charged with adopting rules relative to the application procedure and the standards the board of trust company incorporation will apply in determining whether to grant a certificate. The board must hold at least one public informational hearing prior to granting any certificate.

After the affiliation certificate is granted, the certificate holder may establish a new New Hampshire bank or acquire 5 percent or more of the voting stock of a New Hampshire bank only if at the completion of the transaction the voting stock of the New Hampshire bank is held by a New Hampshire bank holding company subsidiary of the out-of-state New England bank or bank holding company. The bank commissioner has the responsibility of monitoring certificate holders, new banks, and banks and bank holding companies affiliated under this subdivision and shall adopt rules to carry out this responsibility.

II. RSA 384:52 is a penalty section which imposes both fines and a divestiture penalty for violations of this subdivision.

III. RSA 384:53-54 state that insurance shall not be affected by this bill and that nothing in this bill shall be construed to authorize monopolies.

IV. RSA 384:55 requires the bank commissioner to submit a biennial report on regional banking to the legislature.

3. Section 3 limits the number of affiliates bank holding companies may acquire in New Hampshire.

4. Section 4 exempts offers or sales involved in acquisitions of New Hampshire financial institutions by out-of-state New England financial institutions from the registration requirements of the Uniform Securities Act.

5. Section 5 is a session law which, as amended, allows New Hampshire financial institutions to elect to exempt themselves from the acquisition provisions of this bill for an unlimited number of 2 year periods.

6. Section 6 is a severability clause.

Rep. Dickinson moved that SB 43 be made a Special Order for 1:15 p.m. and spoke to his motion.

Rep. Palumbo spoke against the motion.

Motion lost.

Rep. A. Leslie Burns moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Rep. Fraser spoke against the motion and yielded to questions.

(Deputy Speaker Burns in the Chair)

Reps. Dexter and Merton Mann spoke in favor of the motion.

(Speaker in the Chair)

Reps. Vaughn and Emma Wheeler spoke in favor of the motion and yielded to questions.

Reps. Sara Townsend and Packard spoke against the motion and yielded to questions.

Reps. Buckley, Chambers and Palumbo spoke against the motion.

Reps. Patricia Foss, Kurk and Dickinson spoke in favor of the motion.

Rep. Phelps moved the previous question. Sufficiently seconded.  
Adopted.

A roll call was requested. Sufficiently seconded.

Reps. Lewis, Millard, Murphy and Hollingworth abstained from voting under Rule 16.

YEAS 185 NAYS 193  
YEAS 185

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Jensen and Locke.

CARROLL: Ailard, Gene Chandler, Russell Chase, Dickinson, Hounsell, McIntire, Olimpio and Schofield.

CHESHIRE: Arnott, Blacketor, Cole, Delano, Hunt, Miller, Morse, William Riley and David Young.

COOS: Coulombe, Frederic Foss, Kilbride, Marsh, Mayhew, Nelson, Oleson and Purrington.

GRAFTON: Adams, Bennett, Blair, Dearborn, Driscoll, Lougee, Stewart, Howard Townsend, Ward and Whitcomb.

HILLSBOROUGH: Beaupre, Boisvert, Lionel Boucher, Boutwell, Bowers, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Cowenhoven, Cox, Domainque, Ducharme, Clyde Eaton, Fields, Nancy Ford, Gagnon, Granger, Betty Hall, Marian Harrington, Holden, Humphrey, Cornelius Keane, Keefe, Korcoulis, Kurk, Lefebvre, Levesque, Lown, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Mulligan, Nixon, Paquette, Pariseau, Perham, Shriver, Leonard Smith, Stonner, Tarpley, Vanderlosk, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Asplund, Bardsley, Beaton, Laurent Boucher, George E. Gordon, C. William Johnson, Kidder, Merton Mann, Nichols, Philbrick, Rehlander, Doris Riley, Walter Robinson, Gerald Smith and Tupper.

ROCKINGHAM: Gordon Arnold, Barnes, Benton, Blanchard, William Boucher, Buco, Butler, Eunice Campbell, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Cressy, Drake, Ellyson, Fesh, Harry Flanders, Bert Ford, Gourdeau, Haynes, Hoar, Robert Johnson, Joyce, George Katsakiores, Roger King, Lovejoy, Mace, Magoon, McKinney, Nagel, Newell, Pantelakos, Pevear, Ritzo, Rosencrantz, Schwaner, Seward, Sherburne, Simon, Skinner, Tilton, Tufts, Vaughn, Walker, Warburton, Weddle, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bernard, Callaghan, Casey, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Laurion, McManus, Musler, Parks, Pelley, Proulx, Spear, Swope, Ralph Torr and John Young.

SULLIVAN: Brodeur, Cutting, D'Amante, Domini, Ingram, Peyron and Spaulding.

NAYS 193

BELKNAP: Bowier, Hardy, Malcolm Harrington, Hawkins, Holbrook, Maviglio, Pearson, Randall, Lawrence Richardson, Thurston and Turner.

CARROLL: Robert Holmes, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Clark, Daschbach, Jesse Davis, Doucette, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, LaMar, Matson, Parker, Perry, Pierce, Ramsay and Schwartz.

COOS: Brady, Brungot, Harold Burns, Guay, Horton, Lemire and Theriault.

GRAFTON: Arnesen, Bean, Chambers, Christy, Copenhaver, Crystal, Densmore, Hammond, Michael King, LaMott, Ezra Mann, McAvoy, Rounds, Scanlan, Walter and Weymouth.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baker, Baldizar, Bass, Bourque, Buckley, Burkush, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Paul Dionne, Donovan, Drolet, Dube, Dupont, Durant, Dwyer, Dykstra, Joseph M. Eaton, Frank, Ruth Gage, Gelinas, Genest, Scott Green, Grip, Guilbert, Hatch, Healy, Chris Jacobson, Michael Jones, Robert Kelley, Donna Kelly, Alice Knight, Lanzara, Leclerc, Long, Lozeau, Magee, Mason, O'Rourke, Packard, Pappas, Pignateili, Prestipino, Price, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Schneiderat, Soucy, Steiner, Stiles, Sullivan, Turgeon, Wagner, Ware, Watson, Winn, Wood, Zajdel and Zis.

MERRIMACK: Austin, Cahill, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hayes, Hess, Mary Holmes, Alf Jacobson, Burton Knight, Lockwood, Manus, Pantzer, Phelps, Provencal, Stio, Trombly, West and Whittemore.

ROCKINGHAM: Carl Anderson, Blanchette, Carpenito, Flanagan, John Flanders, Beverly Gage, Thomas Gage, Gosselin, Elizabeth Greene, Hynes, Phyllis Katsakiores, Maurice MacDonald, Malcolm, McGovern, Palumbo, Parr, Popov, Read, Sanderson, Schmidtchen, Scott, Splaine, Sytek, Vartanian and Wright.

STRAFFORD: Bates, Chamberlin, Dingle, Frew, Jean, Martling, William McCann, Francis Robinson, Ann Torr, Wall and Wilson.

SULLIVAN: Behrens, Flint, Krueger, Lindblade, McKee, Normandin, Rodeschin, Schotanus and Sara Townsend, and the motion lost.

Rep. McAvoy notified the Clerk that she inadvertently voted nay and meant to vote yea.

Rep. Champagne notified the Clerk that she inadvertently voted yea and meant to vote nay.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

RECESS

(Speaker in the Chair)

#### SENATE MESSAGE REFERRED FOR INTERIM STUDY

HB 416, concerning the presumption of procedural compliance in the enactment of municipal legislation.

HB 280, relative to water usage.

#### ENROLLED BILLS REPORT

SB 28, relative to naming an unnamed route between state Route 175 and U.S. Route 3, in the towns of Holderness and Plymouth, Route 175-A.

SB 74, relative to the port authority.

SB 92, relative to special elections for city and ward officers.

SB 97, establishing a study committee relative to the feasibility of one-way tolls on part of the turnpike system.

SB 105, relative to the central interagency motorpool study committee.  
 HB 114, relative to sunset review of dental board and relative to continuing education and confidentiality of certain hearings by the dental board.

HB 120, relative to sunset review of plumbers board.

HB 135, relative to sunset review of the public utilities commission - administration and support.

HB 184, relative to docking on public waters of the state.

HB 391, creating a division of agricultural development in the department of agriculture using currently available funding and personnel.

HB 517, relative to assessments for sewer rental charges.

HB 575, relative to certification standards for laboratories.

HB 67, relative urea-formaldehyde.

HB 73, relative to falconry.

HB 79, making a capital appropriation for Tip Top House.

HB 97, appropriating funds to the department of agriculture for inspection of apiaries.

HB 116, relative to sunset review of funeral directors and embalmers board.

HB 161, relative to sunset review of the board of barbering and cosmetology.

HB 236, relative to durable powers of attorney.

HB 393, establishing the availability of the remedy of declaratory judgment to determine the coverage of a liability insurance policy in the federal district court.

HB 482, relative to the charter of Wentworth-Douglass Hospital.

HB 609, relative to the New Hampshire National Guard.

HB 640, relative to motor vehicle license and registration fees, license plates and boat registrations.

SB 29, relative to the appointment of a caretaker for the "Old Man of the Mountain."

SB 137, relative to voting in state and presidential primary elections.

HB 250, making an appropriation to the Conway village fire district, authorizing the Conway village fire district to issue bonds, and relative to funding waste water treatment systems.

HB 303, relative to fees collected by the New Hampshire port authority.

HB 442, extending certain temporary rulemaking authority of the commissioner of labor.

HB 526, establishing a department of safety.

HB 644, relative to zoning exemptions for certain utility structures.

HB 657, relative to the investment of state trust funds.

Rep. Raymond C. Buckley, II  
 Sen. John P.H. Chandler, Jr.  
 For the Committee.

#### ENROLLED BILLS AMENDMENTS

HB 541-FN, relative to developmentally disabled persons.

#### Amendment

Amend the bill by replacing line 8 on page 1 with the following:

3 Definition Change. RSA 171-A:2, V is repealed and reenacted to

This amendment corrects an error in the amending language of the bill.

Adopted.



SB 195-FN, relative to nonprofit housing projects and the Senior Citizens Housing Development Corporation of Claremont, Inc.

Amendment

Amend the bill by replacing line 9 on page 1 with the following:  
none of the income or profits is used for any purpose other than the

Amend the bill by replacing line 14 on page 2 of the bill with the following:

persons, if none of the income or profits is used for any purpose other

This amendment corrects a grammatical error.

Adopted.

SB 133-FN, relative to immunizing children.

Amendment

Amend page 4 of the bill by inserting after line 13 the following new line:

200:38 Control and Prevention of Communicable Diseases.

This amendment inserts a missing catchline.

Adopted.

HB 547, relative to medicaid fraud and patient abuse.

Amendment

Amend the bill by replacing line 18 on page 1 with the following:

(b) provision of medical assistance under the state medicaid

This amendment corrects a typographical error.

Adopted.

HB 37, relative to the emergency management act.

Amendment

Amend the bill by replacing line 8 on page 8 with the following:

(e) The director of the division of public health services,

Amend the bill by replacing line 21 on page 14 with the following:

III. As used in this section the term "emergency management worker"

This amendment corrects a grammatical error and adds quotation marks around a defined term.

Adopted.



HB 88-FN, relative to the pesticide control board; rulemaking hearings, exemptions, and definitions.

Amendment

Amend the bill by replacing lines 4 and 5 on page 2 with the following:

to RSA 430:42, VII and RSA 430:45, III, and the issuance of orders pursuant to RSA 430:42, II and V.

This amendment corrects statutory references in section 3 of the bill.

Adopted.

HB 131-FN, relative to sunset review of state liquor commission - office of the commissioner/administration.

Amendment

Amend the bill by replacing line 5 on page 1 with the following:

RSA 17-G. The agency or program shall terminate on July 1, 1993, subject

This amendment corrects a typographical error.

Adopted.

HB 132-FN, relative to sunset review of state liquor commission - office of the commissioner/regulation.

Amendment

Amend the bill by replacing line 5 on page 1 with the following:

agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

This enrolled bill amendment corrects a typographical error.

Adopted.

HB 134, relative to sunset review of state liquor commission - warehouse.

Amendment

Amend the bill by replacing line 4 on page 1 with the following:

July 1, 1993, subject to RSA 17-G.

The amendment corrects a typographical error.

Adopted.

HB 158-FN, relative to sunset review of the department of education - adult basic education.

Amendment

Amend the bill by replacing line 4 with the following:

program shall terminate on July 1, 1993, subject to RSA 17-G.

This enrolled bill amendment corrects a typographical error.}

Adopted.

HB 180-FN, establishing a study committee to examine the publication and distribution of session laws.

Amendment

Amend the bill by replacing line 10 on page 2 with the following:  
shall be determined by the committee. The committee shall report its

This amendment corrects a typographical error.

Adopted.

HB 213, relative to guardians for minors and the correction of statutory references for certain appeals.

Amendment

Amend the bill by replacing line 14 on page 3 with the following:  
to injure any party.

This amendment inserts a missing word in the bill.

Adopted.

HB 329-A, relative to estimated tax payments for railroads and public utilities.

Amendment

Amend the bill by replacing line 6 on page 1 with the following:  
taxes, after credit for estimated taxes paid, shall be paid to the

This enrolled bill amendment corrects a typographical error in the bill.

Adopted.

HB 435-FN, creating a committee to study head injuries in New Hampshire and relative to health care for indigent.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

creating a committee to study head injuries in New Hampshire  
and relative to health care for the indigent.

Amend the bill by replacing line 12 on page 1 with the following:

(c) One member from the governor's commission for the  
handicapped.

This amendment corrects a grammatical error in the title of the bill and corrects a reference to the governor's commission for the handicapped.

Adopted.

HB 600-FN, relative to OHRV fees.

Amendment

Amend the bill by replacing lines 5 and 6 on page 1 with the following:

registration upon presentation of resident tax receipt, [or tax receipt of parent or guardian.] or a valid New Hampshire driver's license issued to a person 18 years of age or older.

Amend the bill by replacing line 12 on page 3 with the following:

fish and game department for the following; provided, however, that

Amend the bill by replacing line 17 on page 3 with the following:

safety, regulation, equipment maintenance and other related matters

The amendment indicates statutory language deleted by the bill and corrects a typographical error.

Adopted.

HB 654-FN, relative to dogs and cats.

Amendment

Amend the bill by replacing lines 6-10 on page 2 with the following:

state treasurer for deposit in the general fund.

4 New Subdivision; Breeder's Health Certificate. Amend RSA 437 by inserting after section 13 the following new subdivision:

Breeder's Health Certificate for Cats.

437:13-a Breeder's Health Certificate.

Amend the bill by replacing line 11 on page 3 with the following:

this section and to enforce the penalties of RSA 437:13-a, VII. The

This amendment corrects statutory citations as inserted by section 4 of the bill and a typographical error.

Adopted.

SB 99-FN, establishing a study committee to determine whether the department of transportation has fully implemented the legislative directives of the general court.

Amendment

Amend the bill by replacing line 3 on page 1 with the following:

whether or not the commissioner of the department of transportation has

Amend the bill by replacing line 14 on page 2 with the following:

senate, the speaker of the house of representatives, and the governor and

The enrolled bill amendment corrects typographical errors in the bill.

Adopted.

SB 94, providing the legislative budget assistant with access to certain records.

#### Amendment

Amend the bill by replacing line 12 on page 1 with the following:

except for work papers as described in RSA 91-A:5, IV. In such situations,

This amendment corrects a citation in section 1 of the bill.

Adopted.

SB 103, relative to motor vehicle license examinations.

#### Amendment

Amend the bill by replacing line 17 on page 1 with the following:

263:7-e.

Amend the bill by exchanging lines 2-8 and lines 9-21 on page 3.

This enrolled bill amendment corrects a cross-reference, and places 2 RSA sections in consecutive order.

Adopted.

#### SUSPENSION OF RULES

Rep. Kidder moved that House Rule 43, a hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised in the House Calendar no less than five days prior to a hearing, be so far suspended as to permit hearings on SB 175-FN, providing a cost of living increase for New Hampshire retirement system and teachers' retirement system members, SB 200-FN, permitting group II state employee members who reach age 60 to make an election for retirement benefits, and SB 161-FN, relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor, without the required notice in the Calendar, and spoke to his motion.

Adopted by the necessary two-thirds.

#### SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 145-FN, relative to sunset review of the New Hampshire port authority. (Amendment printed SJ 4/16)

Rep. Irvin Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Irvin Gordon, Malcolm, Gosselin and Hoar.

HB 168-FN, relative to sunset of joint board of engineers, architects and land surveyors. (Amendment printed SJ 4/23)

Rep. Ann Torr moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, McCain, Rosencrantz and Ann Torr.

HB 292-FN, permitting permanent policemen who serve as field representatives for the police standards and training council and permanent firemen who serve with the fire standards and training commission to continue as group 11 members of the New Hampshire retirement system. (Amendment printed SJ 4/23)

Rep. Ann Torr moved that the House concur.

Adopted.

HB 474-FN, relative to solicitations for charitable purposes. (Amendment printed SJ 4/16)

Rep. Fraser moved that the House concur.

Adopted.

HB 633-FN, relative to casual help employees of funeral directors. (Amendment printed SJ 4/23)

Rep. Ann Torr moved that the House concur.

Adopted.

#### RECONSIDERATION

Rep. Splaine moved that the House reconsider its action whereby it adopted the substitute motion of Ought to Pass on SB 201-FN, relative to boat speeds on public waters and making an appropriation therefor, and yielded to Rep. Haynes who spoke in favor of the motion.

Reps. Dickinson, Welch and Dexter spoke against the motion.

Rep. Dykstra spoke in favor of the motion.

Rep. Daniel Eaton spoke in favor of the motion and yielded to questions.

A division was requested.

184 members having voted in the affirmative and 177 in the negative, the motion was adopted.

Question now being on the substitute motion, Ought to Pass.

Rep. Daniel Eaton moved that SB 201 be laid upon the table.

Rep. Dickinson requested a roll call. Sufficiently seconded.

YEAS 187 NAYS 175  
YEAS 187

BELKNAP: Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Pearson, Randall, Lawrence Richardson, Thurston and Turner.

CARROLL: McIntire, Powers and Saunders.

CHESHIRE: Arnott, Blacketer, Clark, Daschbach, Delano, Daniel Eaton, Frink, Irvin Gordon, LaMar, Morse and Pierce.

COOS: Brungot, Harold Burns, Frederic Foss, Guay, Horton, Kilbride, Lemire, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Christy, Densmore, Stewart and Walter.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baker, Baldizar, Bourque, Bowers, Buckley, Burkush, Champagne, Chretien, Cusson, Daigle, William Desrosiers, Paul Dionne, Donovan, Drolet, Dube, Dupont, Durant,

Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Frank, Gagnon, Granger, Scott Green, Grip, Guilbert, Hatch, Chris Jacobson, Robert Kelley, Alice Knight, Lanzara, Leclerc, Lefebvre, Levesque, Long, Magee, McRae, Messier, Mulligan, Packard, Paquette, Pariseau, Perham, Prestipino, Price, Rodgers, Routhier, Sallada, Schneiderat, Shriver, Soucy, Steiner, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Ware, Emma Wheeler, Winn, Wood and Zajdel.

MERRIMACK: Austin, Beaton, Fraser, Gilbreth, George E. Gordon, Hayes, Burton Knight, Lockwood, Manus, Nichols, Phelps, Philbrick, Provencal, Doris Riley, Walter Robinson, Gerald Smith and Stio.

ROCKINGHAM: William Boucher, Buco, Carpenito, Cressy, Felch, Fesh, Flanagan, John Flanders, Bert Ford, Beverly Gage, Gosselin, Gourdeau, Haynes, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Magoon, Malcolm, McKinney, Newell, Palumbo, Pantelakos, Parr, Read, Rosencrantz, Schmidtchen, Schwaner, Splaine, Sytek, Tilton, Tufts, Vartanian, Weddle and Woodward.

STRAFFORD: Appleby, Bernard, Casey, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Frechette, Kinney, Koromilas, Laurion, McManus, Musler, Francis Robinson, Swope and Ann Torr.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Domini, Flint, McKee, Normandin and Peyron.

## NAYS 175

BELKNAP: Bowler, Richard Campbell, Dexter and Maviglio.

CARROLL: Allard, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounseii, Kenneth MacDonald and Schofield.

CHESHIRE: Cole, Jesse Davis, Doucette, Foster, Grodin, Hunt, Matson, Miller, Parker, Perry, Ramsay, William Riley and Schwartz.

COOS: Brady, Coulombe and Marsh.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Copenhaver, Crystal, Dearborn, Driscoll, Hammond, Michael King, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Bass, Beaupre, Lionel Boucher, Boutwell, A. Leslie Burns, Cid, Cote, Cowenhoven, Cox, Ann Derosier, Gerard Desrochers, William Dion, Domaingue, Ducharme, Fields, Nancy Ford, Ruth Gage, Genest, Betty Hall, Marian Harrington, Holden, Humphrey, Cornelius Keane, Keefe, Donna Kelly, Korcoulis, Kurk, Lown, Mason, Bonnie McCann, McGlynn, Moore, Robert Murphy, Nixon, O'Rourke, Pappas, Pignatelli, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Leonard Smith, Vanderlosk, Wagner, Watson, Kenneth Wheeler and Zis.

MERRIMACK: Eleanor Anderson, Bardsley, Laurent Boucher, Cahill, James Chandler, Fillion, Gross, Hager, Douglas Hall, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Merton Mann, Millard, Pantzer, Rehlander, Trombly, Tupper, West and Whitemore.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Butler, Eunice Campbell, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Drake, Ellyson, Harry Flanders, Thomas Gage, Elizabeth Greene, Hoar, Hollingworth, Joyce, Lovejoy, Mace, McGovern, Pevear, Popov, Ritzo, Sanderson, Seward, Sherburne, Simon, Skinner, Vaughn, Walker, Warburton, Welch, Wells and Wright.



STRAFFORD: Callaghan, Dingle, Patricia Foss, Jean, Robert Jones, Sandra Keans, Kincaid, Lachance, Martling, Parks, Pelley, Proulx, Spear, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Ingram, Krueger, Lindblade, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion to table was adopted.

#### COMMITTEE REPORTS (cont.)

SB 90, relative to amusement parks. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: The bill is an excellent bill addressing the serious need of the fixed amusement operators enabling them to acquire necessary insurance. Vote 16-2. Rep. Raymond C. Buckley, II, for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: The feeling of the members who voted against this bill was that there should not be any difference in liability minimums between fixed base and mobile amusement parks. The Committee felt the larger fixed base amusement parks would not lower their liability insurance, leaving only a few "go cart" operators left to deal with getting the proper insurance. The minority feels the "go cart" people should get together and lobby the insurance companies to work out affordable insurance, and not ask the Legislature to put its citizens and tourists at risk. Rep. Paul R. Dionne for the Minority of Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by replacing section 3 with the following:

3 Liability Coverage. RSA 321-A:5, III is repealed and reenacted to read as follows:

III. Prior to obtaining any decals, a mobile base operator of carnival equipment or an amusement device shall provide to the director:

(a) A certificate of insurance showing operator as a named insured and confirming that insurance has been issued and is in force providing coverage for specified equipment or devices in a minimum amount of \$300,000 per person and \$1,000,000 aggregate.

(b) A report prepared by an inspector which indicates that the carnival or amusement ride meets the safety specifications established by the director pursuant to RSA 321-A:2. The report shall be prepared by an inspector who is acceptable to the director.

Amend RSA 321-A:5, IV as inserted by section 4 of the bill by replacing it with the following:

IV. Prior to obtaining any decals, a fixed base operator of carnival equipment or an amusement device shall provide to the director, on a form prescribed by him:

(a) A certificate of insurance showing the operator as a named insured and confirming that insurance has been issued and is in force providing coverage for specified equipment or devices at specified locations, in a minimum amount of \$100,000 per person and \$300,000 aggregate.

(b) A report prepared by an inspector which indicates that the carnival or amusement ride meets the safety specifications established by the director pursuant to RSA 321-A:2. The report shall be prepared by an inspector who is acceptable to the director.

Rep. Paul Dionne moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Reps. Buckley and Scott Green spoke against the motion.  
A roll call was requested. Sufficiently seconded.

YEAS 86 NAYS 26/  
YEAS 86

BELKNAP: Golden, Jensen and Lawrence Richardson.

CARROLL: Gene Chandler and Schofield.

CHESHIRE: Blacketor, Cole and Morse.

COOS: Brady and Horton.

GRAFTON: Bennett, Blair, Driscoll, Rounds and Walter.

HILLSBOROUGH: Alukonis, Bowers, A. Leslie Burns, Chretien, Cote, Cowenhoven, Daigle, Gerard Desrochers, Paul Dionne, Domainque, Donovan, Ducharme, Durant, Joseph M. Eaton, Betty Hall, Kurk, Lefebvre, Levesque, Bonnie McCann, McRae, Messier, Nixon, Paquette, Pariseau, Routhier, Sallada, Shriver, Watson, Emma Wheeler and Zis.

MERRIMACK: Bardsley, Cahill, James Chandler, Hess, Alf Jacobson, C. William Johnson, Manus, Nichols, Philbrick, Trombly and Tupper.

ROCKINGHAM: Barnes, Bucu, Marilyn Campbell, Lawrence A. Chase, Jr., Ellyson, Bert Ford, Haynes, Hollingworth, Mace, Newell, Palumbo, Pevear, Ritzo, Rosencrantz, Splaine, Sytek, Vaughn, Walker, Warburton, Welch and Wright.

STRAFFORD: Casey, Albert Dionne, Kincaid, Koromilas, McManus, Musler, Prouix and Wall.

SULLIVAN: McKee.

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BELKNAP: Bowler, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Holbrook, Maviglio, Pearson, Randall, Thurston and Turner.

CARROLL: Allard, Russell Chase, Dickinson, Hounsell, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Arnott, Clark, Daschbach, Jesse Davis, Delano, Doucette, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Parker, Perry, Pierce, Ramsay and Schwartz.

COOS: Brungot, Harold Burns, Coulombe, Frederic Foss, Guay, Kilbride, Marsh, Mayhew, Nelson, Purrington and Theriault.

GRAFTON: Adams, Bean, Chambers, Christy, Copenhaver, Crystal, Dearborn, Densmore, Hammond, Michael King, LaMott, Lougee, Ezra Mann, McAvoy, Scanlan, Stewart, Howard Townsend, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Baker, Baldizar, Bass, Beaupre, Lionel Boucher, Bourque, Boutwell, Buckley, Burkush, Champagne, Cid, Cox, Cusson, Ann Derosier, William Desrosiers, William Dion, Drolet, Dube, Dupont, Dwyer, Dykstra, Clyde Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Granger, Scott Green, Grip, Guilbert, Marian Harrington, Hatch, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Lanzara, Leclerc, Long, Lown, Lozeau, Magee, Mason, McGlynn, Moore, Mulligan, Robert Murphy, O'Rourke,

Packard, Pappas, Perham, Pignatelli, Prestipino, Price, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Rodgers, Schneiderat, Leonard Smith, Soucy, Steiner, Stiles, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner, Ware, Kenneth Wheeler, Winn, Wood and Zajdel.

MERRIMACK: Eleanor Anderson, Austin, Bcaton, Laurent Boucher, Fillion, Fraser, Gilbreth, George E. Gordon, Hager, Douglas Hall, Hayes, Mary Holmes, Kidder, Burton Knight, Lockwood, Merton Mann, Millard, Pantzer, Phelps, Provencal, Rehlander, Doris Riley, Gerald Smith, Stio, West and Whittemore.

ROCKINGHAM: Carl Anderson, Benton, William Boucher, Butler, Eunice Campbell, Carpenito, Conroy, Cressy, Drake, Feich, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Elizabeth Greene, Hoar, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Magoon, Malcolm, McGovern, McKinney, Pantelakos, Parr, Popov, Read, Sanderson, Schmidtchen, Schwane, Seward, Sherburne, Simon, Skinner, Tilton, Tufts, Vartanian, Weddle, Wells and Woodward.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Sandra Keans, Kinney, Lachance, Laurion, Martling, Pelley, Francis Robinson, Spear, Swope, Ann Torr, Ralph Torr, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Ingram, Krueger, Lindblade, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

SB 91, establishing a committee to evaluate the foundation aid formula. Ought to Pass with Amendment.

This bill establishes a study committee comprised of eleven members who will meet to evaluate the effectiveness of the Foundation Aid Formula and will report by January 1, 1988. Vote 16-1. Rep. Patricia M. Skinner for Education.

#### Amendment

Amend the bill by replacing section 1 with the following:

I. There is hereby established a committee to be composed of the following persons:

- (a) one member of the senate to be appointed by the president of the senate;
- (b) one member of the house of representatives to be appointed by the speaker of the house;
- (c) 3 persons from the public sector to be appointed by the governor;
- (d) one person from the state board of education to be appointed by the commissioner of education;
- (e) one person appointed by the New Hampshire School Boards Association;
- (f) one person appointed by the New Hampshire School Administrators Association;
- (g) one person appointed by the National Education Association of New Hampshire;
- (h) one person appointed by the American Federation of Teachers; and

(i) one person appointed by the New Hampshire Association of School Principals.

II. The members shall choose a chairman from among the committee. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee. The department of education shall provide administrative services as requested by the committee.

III. The committee shall set the criteria for studying the effectiveness of the foundation aid formula contained in RSA 198:27-33. The committee shall submit a report by January 1, 1988, to the governor, the executive council, the speaker of the house of representatives, the president of the senate, and to the chairmen of the education committees of the house of representatives and the senate.

Amendment adopted.  
Ordered to third reading.

SB 161-FN, relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor. Ought to Pass with Amendment.

Under Senate Bill 161, the annuity members of Group II Retirement System would receive will be based on 2-1/2% of their average final compensation multiplied by the number of years of their creditable service not in excess of 40 years. At this time, it is based on 2-1/2% for the first 20 years and 2 percent on any year over 20 years. Funding will be from the special account created by RSA 100-A:16, II (h). Vote 17-1. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Funding. Notwithstanding any provisions of RSA 100-A:16, II(h) to the contrary, the total actuarial cost of providing the additional benefits provided in section 1 of this act for group II members in service on July 1, 1987, shall be terminally funded from the special account created by RSA 100-A:16, II(h), on a 5 year amortization commencing on July 1, 1987 at the rate of \$664,800 per year for group II permanent policemen and \$474,300 for group II permanent firemen. The actuarial cost of providing such additional benefits to persons who become group II members after July 1, 1987, shall be funded as provided in RSA 100-A:16, II(b), (d) and (e).

#### AMENDED ANALYSIS

Under this bill, group II members of the New Hampshire retirement system receive a state annuity which, together with their member annuity, equals 2-1/2 percent of their average final compensation multiplied by the number of years of their creditable service not in excess of 40 years.

As amended, the bill provides funding for the additional benefits for those group II members in service on July 1, 1987, based on a 5-year amortization commencing on July 1, 1987, at the rate of \$664,800 per year for group II permanent policemen and \$474,300 for group II permanent firemen.

The additional benefits are prospective only, applying to group II members who retire on or after July 1, 1987.

Amendment adopted.  
Referred to Appropriations.

SB 178, permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire retirement system. Ought to Pass with Amendment.

This bill permits the New Hampshire Education Association to have its president be a member of the New Hampshire Retirement System. All costs would be borne by the Association and not by the State. As amended, the bill also recodifies provisions that permit other non-governmental agencies to have their employees be members of the Retirement System. All such agencies that are in the system now will be listed in the statute itself for everyone to see. Only the N.H.E.A. president is added; the others are in the system now, but hard to find. Vote 14-1. Rep. Richard H. Campbell, Jr., for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

permitting certain non-governmental entities to be eligible to participate in the New Hampshire retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision Heading. The subdivision heading preceding RSA 100-A:29 is repealed and reenacted to read as follows:

#### Employees of Certain Non-governmental Entities

2 Participation Authorized. RSA 100-A:29, 30, 31 are repealed and reenacted to read as follows:

100-A:29 Participation Authorized.

1. Any of the non-governmental entities listed in RSA 100-A:29, II may, by resolution legally adopted in a form approved by the board of trustees of the New Hampshire retirement system, elect to have their officers, teachers, and employees become eligible to participate or to continue to participate as group 1 members of the New Hampshire retirement system. This list of non-governmental entities shall not be exclusive, and future legislation may add additional entities to the list. After such election, such entities shall be known as employers for the purposes of this chapter. The board of trustees of the New Hampshire retirement system shall set a date when the participation of officers, teachers, and employees of any such entity shall become effective and then such officers, teachers, and employees shall become group 1 members of the New Hampshire retirement system and participate in it, except as otherwise provided in RSA 100-A:30.

II. The non-governmental entities as provided in RSA 100-A:29, I are:

- (a) Coe Brown Academy.
- (b) The Crafts State Corporation.
- (c) The Great Bay School and Training Center.
- (d) The Lakes Region Association.
- (e) The League of New Hampshire Craftsmen Foundation.
- (f) Any interstate commission, with respect to any New Hampshire state employee selected to serve with such commission.
- (g) The New Hampshire Education Association, but with respect to its president only.
- (h) The New Hampshire Municipal Association.
- (i) The New Hampshire State Employees Association.
- (j) The New Hampshire State Employees Federal Credit Union.



III. Notwithstanding any provision of RSA 100-A:16, II(c) to the contrary, the entire amount of the employer normal contribution, the administrative cost assessment, and any employer accrued liability contribution on account of the officers, teachers, or employees of the entities listed in RSA 100-A:29, II shall be paid by the employer and no part shall be paid by the state.

100-A:30 Membership Requirements. Membership in the New Hampshire retirement system shall be optional for the officers, teachers, and employees of the entities listed in RSA 100-A:29, II who are in service with such entities on the date when participation becomes effective, and any such officer, teacher, or employee who elects to join the New Hampshire retirement system shall be entitled to a prior service certificate covering such periods of previous service rendered to such entity or to the state for which the entity is willing to make accrued liability contributions. Membership shall be compulsory for all employees entering the service of such entity after the date when participation becomes effective.

100-A:31 Reports. The chief fiscal officer of each of the entities listed in RSA 100-A:29, II shall submit to the board of trustees such information and shall cause to be performed, with respect to the employees of such entities who are members of the retirement system, such duties as shall be prescribed by the board of trustees in order to carry out the provisions of this subdivision.

3 Repeal. 1986, 44:1, relative to League of New Hampshire Craftsmen Foundation participation in the New Hampshire retirement system, is repealed.

4 Effective Date. This act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

As amended, this bill specifies which non-governmental entities may elect to have their officers, teachers, and employees become eligible to participate or to continue to participate as group I members of the New Hampshire retirement system.

The non-governmental entities are:

- (a) Coe Brown Academy.
- (b) The Crafts State Corporation.
- (c) The Great Bay School and Training Center.
- (d) The Lakes Region Association.
- (e) The League of New Hampshire Craftsmen Foundation.
- (f) Any interstate commission, with respect to any New Hampshire state employee selected to serve with such commission.
- (g) The New Hampshire Education Association, but with respect to its president only.
- (h) The New Hampshire Municipal Association.
- (i) The New Hampshire State Employees Association.
- (j) The New Hampshire State Employees Federal Credit Union.

Amendment adopted.

Ordered to third reading.

SB 27-FN, relative to the commemorative rifle or shotgun lottery.  
Ought to Pass with Amendment.

Senate Bill 27 extends the lapse dates of the appropriations for the commemorative rifle and shotgun lottery from June 30, 1987 to June 30, 1988. The amendment is not completely germane to this bill. It is a housekeeping amendment in that it corrects an erroneous cross reference in the Fish and Game RSAs relative to the penalty for throwing refuse into or around public waters. Unfortunately, there was not a germane vehicle to attach this to. Vote 14-0. Rep. David M. Scanlan for Fish and Game.



## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to the commemorative rifle or shotgun lottery and the penalty for throwing refuse in and around public waters.

Amend section 3 of the bill by replacing it with the following:

3 Ticket Sales. RSA 206-A:4, III is repealed and reenacted to read as follows:

III. Tickets may be sold to persons 18 years of age or older for a fee as determined by the executive director of the fish and game department.

4 Penalty for Throwing Refuse into Public Waters. Amend RSA 214:18-a to read as follows:

214:18-a Penalty for Throwing Refuse into Public Waters or on Neighboring Lands. Any person who shall violate [any of the] those provisions of [RSA 249:27-b, relative] RSA 265:102, I, which relate to the placing [or throwing] of refuse [or rubbish] into or on the ice over any public [waters] water, streams or watercourse or the approaches thereto or land bordering the same may, in addition to the penalty provided in [said section] RSA 265:102, IV, lose his fishing or hunting license for the current year.

5 Littering. Amend RSA 265:102, I to read as follows:

I. No person shall put or place, or cause to be put or placed, in or upon any way, right-of-way, street, square, lane, alley, public bathing place or the approaches thereto, or into or on the ice over any public water, streams or watercourse or the approaches thereto or land bordering the same or other public place in any city or town any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, old automobile or parts thereof, or refuse of any nature whatsoever or any noxious thing; provided that nothing herein shall be construed as affecting authorized collections of such articles as garbage or refuse.

6 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill extends the lapse dates for the appropriations for the commemorative rifle and shotgun lottery from June 30, 1987, to June 30, 1988.

The bill also repeals the provisions that would repeal RSA 206-A relative to the annual commemorative rifle or shotgun lottery on July 1, 1987.

The bill raises the age of persons eligible to purchase lottery tickets from 16 to 18 years of age, and authorizes the executive director to determine the fee charged for the lottery ticket.

The bill further corrects an erroneous cross reference in the RSA relative to the penalty for throwing refuse into or around public waters.

Amendment adopted.

Ordered to third reading.

SB 109, expanding the prohibition on possession of dangerous weapons by felons. Ought to Pass with Amendment.

This bill makes 2 changes to current law RSA 159:3. The first, adds a reference prohibiting possession by those convicted of felonies in other countries. The second, simply enumerates those specific drug offenses which are covered. Vote 17-0. Rep. Donnalce M. Lozeau for Judiciary.

## Amendment

Amend RSA 159:3 as inserted by section 1 of the bill by replacing it with the following:

159:3 Convicted Felons. No person who has been convicted in this state or under the laws of the United States or any state, territory, the District of Columbia or any other country of a felony against the person or property of another, or of a felony relating to the manufacturing, compounding, processing, trafficking, delivery, or distribution with intent to sell, of a controlled drug, shall own or have in his possession or under his control a pistol, revolver, or any other firearm or slungshot, metallic knuckles, billies, stiletto, switchblade knife, sword cane, pistol cane, blackjack, dagger, dirk-knife, any martial arts weapons, as defined in RSA 159:24, f, or any other dangerous weapon. A felony committed in any other country, state, or territory, or in the District of Columbia shall serve as the basis for a prosecution under this section only if the offense would also be a felony under the laws of this state. Whoever violates the provisions of this section shall be guilty of a class B felony; and, upon his conviction, his weapon shall be confiscated to the use of the state.

Rep. Alf Jacobson yielded to questions.

Amendment adopted.

Ordered to third reading.

SB 237-FN, relative to the controlled drug act. Re-Refer to Committee.

The Committee felt, that by a slim margin, although this bill has great weaknesses, to vote this bill inexpedient might forego the serious study that the matter requires, and that the need for such study is immediate. Vote 9-6. Rep. Stephen N. Cahill for Judiciary.

Report adopted.

SB 239-FN, relative to electronic privacy. Re-Refer to Committee.

The Committee on Judiciary believes that this bill requires study. Many problems were brought out at the hearing. Vote 9-7. Rep. Beverly A. Hollingworth for Judiciary.

Report adopted.

SB 80, amending the statutory speed limit on certain highways of the state. Ought to Pass with Amendment.

The Committee has amended the bill by changing the absolute speed limit on certain highways from 70 miles per hour to 65 miles per hour except where otherwise restricted. Sixty-five miles per hour has now been adopted by the Federal government and our action will bring us into accord. This will eliminate the controversy over such issues as withholding highway funds. Vote 11-1. Rep. Irvin H. Gordon for Transportation.

## Amendment

Amend the bill by striking all after the enacting clause and replacing it with the following:

1 Maximum Speed Limit. Amend RSA 265:60, 11(e) to read as follows:

(e) [70] 65 miles an hour on the interstate system, the central New Hampshire turnpike and the eastern New Hampshire turnpike in locations where said highways are 4-lane divided highways or other divided highways of 4 or more lanes.

2 Effective Date. This act shall take effect upon its passage.

Rep. Irvin Gordon yielded to questions.

Rep. Warburton moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Rep. Walter spoke against the motion and yielded to questions.

Reps. Welch and D'Amante spoke in favor of the motion.

Rep. Irvin Gordon spoke against the motion.

On a voice vote the Speaker was in doubt and requested a division.

160 members having voted in the affirmative and 187 in the negative the motion lost.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

SB 209-FN, relative to implementing national standards for specific information signs. Inexpedient to Legislate.

The passage of this bill would allow a pilot program of informational signs placed approaching the exits of the interstate highway. The signs would contain logos for qualifying gasoline stations, food establishments, lodging places and campgrounds. The Committee felt the signs now used are adequate and the proposed signs would detract from the beauty of the New Hampshire highways. Vote 10-3. Rep. Roger Stewart for Transportation.

Resolution adopted.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 5 at 1:00 p.m.

Adopted.

#### LATE SESSION

#### Third reading and final passage

SB 54, relative to the investments of non-profit health service corporations.

SB 173, relative to disclosure of motor vehicle defects.

SB 229-FN, relative to health clubs.

SB 217-FN, relative to school administrative units.

SB 67, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs.

SB 115, relative to marriage.

SB 121-FN-A, authorizing the attorney general to undertake proceedings on behalf of resident taxpayers of this state regarding certain taxes imposed by the state of Maine.

SB 211-FN, relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study committee.

SB 228-FN, relative to disobeying a law enforcement officer.

SB 43-FN, relative to regional banking.

SB 90, relative to amusement parks.

SB 91, establishing a committee to evaluate the foundation aid formula.

SB 178, permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire retirement system.

SB 27-FN, relative to the commemorative rifle or shotgun lottery.

SB 109, expanding the prohibition on possession of dangerous weapons by felons.

SB 80, amending the statutory speed limit on certain highways of the state.

Rep. Rounds, having voted with the majority, moved that the House reconsider its action whereby it passed SB 43-FN, relative to regional banking, and spoke to his motion.

Rep. Dickinson spoke in favor of the motion.

Rep. Chambers spoke against the motion.

A roll call was requested. Sufficiently seconded.

YEAS 141 NAYS 215

YEAS 141

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden and Jensen.

CARROLL: Allard, Russell Chase, Dickinson, Hounsell and Schofield.

CHESHIRE: Arnott, Cole, Delano, Hunt and Morse.

COOS: Coulombe, Frederic Foss, Kilbride, Marsh, Mayhew and Nelson.

GRAFTON: Adams, Arnesen, Bennett, Blair, Dearborn, Lougee, McAvoy, Stewart, Howard Townsend and Ward.

HILLSBOROUGH: Beaupre, Lionel Boucher, Boutwell, A. Leslie Burns, Chretien, Cid, Cote, Cox, Domaingue, Ducharme, Dwyer, Nancy Ford, Gagnon, Granger, Betty Hall, Marian Harrington, Holden, Humphrey, Korcoulis, Kurk, Lefebvre, Levesque, McGlynn, McRae, Messier, Moore, Robert Murphy, Paquette, Pariseau, Perham, Shriver, Leonard Smith, Tarpley and Vanderlosh.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Laurent Boucher, Cahill, James Chandler, George E. Gordon, Alf Jacobson, C. William Johnson, Kidder, Merton Mann, Rehlander and Gerald Smith.

ROCKINGHAM: Barnes, Benton, Buco, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cressy, Drake, Ellyson, Fesh, Harry Flanders, Bert Ford, Gourdeau, Hoar, Hollingworth, Joyce, George Katsakiores, Lovejoy, Mace, Magoon, Newell, Pantelakos, Pevear, Ritzo, Rosencrantz, Schwaner, Seward, Sherburne, Skinner, Tilton, Vaughn, Walker, Warburton, Weddle and Wells.

STRAFFORD: Appleby, Callaghan, Casey, Chamberlin, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Sandra Keans, Kinney, Koromilas, McManus, Musler, Pelley, Proulx, Spear, Swope, Ralph Torr, Wall and John Young.

SULLIVAN: Brodeur, Cutting, D'Amante, Domini, Ingram, Peyron and Spaulding.

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BELKNAP: Bowler, Hardy, Malcolm Harrington, Holbrook, Maviglio, Pearson, Randall, Lawrence Richardson, Thurston and Turner.

CARROLL: Gene Chandler, Robert Holmes, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Clark, Daschbach, Jesse Davis, Doucette, Daniel Eaton, Foster, Irvin Gordon, Grodin, LaMar, Matson, Miller, Parker, Perry, Pierce, Ramsay and Schwartz.

COOS: Brady, Brungot, Harold Burns, Guay, Horton, Lemire, Oleson, Purrington and Theriault.

GRAFTON: Bean, Chambers, Christy, Copenhaver, Crystal, Densmore, Driscoll, Hammond, Michael King, LaMott, Ezra Mann, Rounds, Scanlan, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baker, Baldizar, Bass, Bourque, Bowers, Buckley, Burkush, Champagne, Cowenhoven, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Paul Dionne, Donovan, Drolet, Dube, Dupont, Durant, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Frank, Ruth Gage, Genest, Scott Green, Grip, Guilbert, Hatch, Healy, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Lanzara, Leclerc, Long, Lown, Lozeau, Magee, Mason, Bonnie McCann, Mulligan, Nixon, O'Rourke, Packard, Pappas, Pignatelli, Prestipino, Price, Reardon, Reidy, Herbert Richardson, Eilen-Ann Robinson, Rodgers, Routhier, Sallada, Schneiderat, Soucy, Steiner, Stiles, Sullivan, Turgeon, Wagner, Ware, Watson, Winn, Wood, Zajdel and Zis.

MERRIMACK: Austin, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hayes, Hess, Mary Holmes, Burton Knight, Lockwood, Manus, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Doris Riley, Stio, Trombly, Tupper, West and Whittemore.

ROCKINGHAM: Carl Anderson, William Boucher, Carpenito, Lawrence A. Chase, Jr., Felch, Flanagan, John Flanders, Beverly Gage, Thomas Gage, Gosselin, Elizabeth Greene, Haynes, Hynes, Robert Johnson, Phyllis Katsakiores, Roger King, Maurice MacDonald, Malcolm, McGovern, McKinney, Palumbo, Parr, Popov, Read, Sanderson, Schmidtchen, Simon, Splaine, Sytek, Tufts, Vartanian, Welch, Woodward and Wright.

STRAFFORD: Bates, Bernard, Dingle, Jean, Robert Jones, Kincaid, Laurion, Martling, Francis Robinson, Ann Torr and Wilson.

SULLIVAN: Behrens, Flint, Krueger, Lindblade, McKee, Normandin, Rodeschin, Schotanus and Sara Townsend, and the motion lost.

Rep. Scamman, for the entire membership, offered the following:

#### HOUSE RESOLUTION NO. 41

commending the support staff of the New Hampshire House of Representatives,  
the New Hampshire Senate, and Administrative Services.

WHEREAS, on the morning of April 27, 1987, a fire broke out in the upper reaches of the legislative Office Building, forcing closure, temporarily bringing a halt to legislative business, and

WHEREAS, the Legislative Office Building has a grand history that goes back to 1888 when the structure, made from granite quarried in Concord, was dedicated as the Federal Courthouse and Post Office, and

WHEREAS, the stately gothic building, in 1973, was added to the historic register, and in 1975, after two years of extensive renovation and construction, was re-dedicated and re-named the Legislative Office Building, and

WHEREAS, the Legislative Office Building, known affectionately to all as the LOB., has since become the hub of legislative activities for both the New Hampshire House of Representatives and the New Hampshire Senate, and



WHEREAS, following the fire, the State's legislative machinery continued to turn with efficiency and purpose thanks largely to the hard work and organizational skills of the support staff from the House Speaker's Office, the Senate President's Office, the Legislative Research and Stenographic Offices, the House Sergeant-at-Arms Office, the House Clerk's Office, the Senate Clerk's Office, and Administrative Services, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that highest praise and accolades for a job well done be delivered to all of the individuals who worked so hard and so quickly to regroup, moving records and furniture to other locations to ensure that legislative business not be interrupted, and be it further

RESOLVED, that the elected members of the New Hampshire General Court extend to all support staff a hearty thank you for an outstanding effort in a time of unexpected crisis.

Unanimously adopted.

Reps. Mary P. Chambers and Roger Stewart offered the following:

HOUSE RESOLUTION NO. 42

memorializing former Representative George M. McGee of Lincoln.

WHEREAS, we have learned with great sorrow of the death of former State Representative George M. McGee, who between 1957 and 1966 served five consecutive terms as an honorable member of the New Hampshire House, and

WHEREAS, as an elected public servant, George M. McGee devotedly and diligently served his Grafton County constituents as a member of the Standing Committees on Agriculture, Claims, Public Works, and Transportation, and

WHEREAS, having been born in 1910 in the North Country community of Twin Mountain, George M. McGee spent his working life serving the State in numerous capacities including Director and Chairman of the Water Resources Board, Chairman of the Governor's Hydroelectric Energy Commission, and Chairman of the Wetlands Board, and

WHEREAS, George M. McGee additionally served the State as a member of the Merrimack River Valley Flood Control Commission, the Connecticut River Valley Flood Control Commission, the New England Interstate Water Pollution Control Commission, and the New Hampshire Water Supply and Pollution Control Commission, and

WHEREAS, George M. McGee was active in county affairs, having served on the Grafton County Executive Committee, the Rural Areas Committee and the Livermore Falls Study Committee, and

WHEREAS, George M. McGee distinguished himself as a leader and administrator in the community of Lincoln, serving for twenty-four years as a Selectman, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that George M. McGee be accorded the highest praise for his distinguished and faithful service to New Hampshire, to Grafton County, and to Lincoln, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Ward addressed the House on the Ways and Means monthly report of estimated revenues.



## PERSONAL PRIVILEGE

Rep. Pelley addressed the House under personal privilege.

Mr. Speaker, members of the House. I would like to speak briefly on a bill that was passed on the Consent Calendar today because it represents approximately 15,000 constituents, and I feel it will set an important precedent for the State of New Hampshire.

I am Representative Janet Pelley of Strafford District 10, one of the sponsors of SB 121, authorizing the Attorney General to undertake proceedings on behalf of resident taxpayers of this state regarding certain taxes imposed by the State of Maine.

Other sponsors are Representative Ronald Laurion, Senator Dupont, Senator Torr and Senator Krasker.

I know everyone here knows of the State of Maine's unfair taxation on New Hampshire residents, but I don't think some of you really understand the impact and power that the State of Maine has over New Hampshire residents.

They have been paying taxes to Maine since 1969. However, this bill addresses a new tax scheme that was passed by the Maine legislature on January 1, 1986 which taxes spouses who do not even work in Maine.

Taxable income also includes any capital gains you may be lucky enough to have.

Governor Brennan stated he needed this additional revenue from New Hampshire to balance his budget which amounted to an additional 3.2 million on top of what New Hampshire residents are already paying.

On April 11, 1987, and these are Maine's own figures as stated by Governor John McKernan, Jr., they boasted of a surplus in the state treasury as their General Fund is 36.3 million ahead of budget projections for the first nine months of their fiscal year, and the best is yet to come as April is a heavy activity month in income tax accounts.

Twice, Maine has had such a surplus that they gave a rebate to Maine residents. However, New Hampshire residents who paid Maine taxes received nothing.

This practice is a painless way for Maine to increase its revenues at the expense of New Hampshire residents who are mandated to support two state governments.

In the Perescope a P.N.S.Y. newsletter, Anthony J. Neves, State Tax Assessor of Maine, stated "those who earn a living within the State should contribute to the cost of providing governmental services."

May I ask, what services? They cannot vote. They cannot go to college as an in-state resident. They receive no fire or police services.

Mr. Neves also said "all taxpayers subject to Maine's income tax should pay their fair share and that no taxpayer be required to pay more than a fair share of taxes because of tax burdens shifted by tax evaders who are picking the pockets of conscientious taxpayers."

He was referring to a few New Hampshire residents who feel this tax is so unconstitutional they have not paid some of their taxes.

Maine says they have the right to tax because New Hampshire residents use their roads to get to work and their court system is available to us.

Do tourists get taxed for using Maine's roads?

This litigation will end up in Maine Courts because we are challenging a Maine law. We will see if their court decision will be objective and fair.

The reason I have brought this bill to your attention is because the Attorney General's Office has stated that it will be an uphill battle all the way and I would hope that everyone here be willing to give their support and expertise so New Hampshire can win this challenge.

I feel very strongly that this is an issue of fairness and that it is time for the State of New Hampshire to stand up to the State of Maine.

I ask you, fellow legislators, "who's picking whose pockets"? Thank you for your attention.

Rep. Parr moved that Rep. Pelley's remarks be printed in the Journal.  
Adopted.

Rep. Palumbo moved that the House stand in recess for the purpose of  
Enrolling Reports only.

Adopted.

The House recessed at 5:29 p.m.

#### RECESS

(Rep. Felch in the Chair)

#### ENROLLED BILL REPORT

HB 435, creating a committee to study head injuries in New Hampshire  
and relative to health care for the indigent.

Rep. Raymond C. Buckley, II  
Sen. John P.H. Chandler, Jr.  
For the Committee.

#### RECESS

(Speaker in the Chair)

Rep. Harold Burns moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 23

*Tuesday, 5 May 87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Gracious God, who has fashioned the world and established the seasons; who has separated the light from the darkness and the land from the seas, we confess to You the struggles of our souls as we seek to be faithful.

Life appears to be so simple when we draw lines which separate good from evil and right from wrong. Yet we know that few things are clear. The world seldom comes to us in black and white, but rather in infinite shades of grey.

Strengthen us, Patient God, as we wrestle with hard issues which cannot be easily resolved, and grant us the grace to work as though everything depends upon us, and to pray as though everything depends on You. Amen.

Rep. Maurice MacDonald led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Yeaton, Dupont, Boisvert, Gerard Desrochers, Moore and Dingle, the day, illness.

Reps. Brown, Perry, Baker, Ruth Gage, Carl Anderson, Drake, Foster, Sallada, Bonnie McCann, West, Simon, Wagner, Robert Kelley, Kurk, Olimpio, Walter, Lucille Wood, Kilbride, Beaupre, Walter Robinson, Gene Chandler, Michael Jones, Brady, Fraser, Ducharme, Crystal and Mary Holmes, the day, important business.

Reps. Gosselin and Joseph MacDonald, the day, illness in the family.

## INTRODUCTION OF GUESTS

Del and Karyn Erickson, guests of Rep. James Chandler; Sylvia Jones, Nicolette and Stefne Vallaudigham and Betsy Friedlander, wife, daughter, granddaughter and guest of Rep. Robert Jones; Heather Beaton, daughter of Rep. Beaton; Mr. and Mrs. William Durrant, guests of Rep. Austin.

(Rep. Sara Townsend in the Chair)

## SENATE MESSAGES CONCURRENCE

HB 186, relative to the appointment and terms of alternates for certain municipal offices.

HB 232-FN, relative to the homestead exemption for disabled veterans.

HB 325-FN-A, relative to the distribution of sweepstakes revenues.

HB 363-FN-A, relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes, and creating a division of automated information systems in the department of revenue administration.

HB 108-FN, relative to sunset review of the department of revenue administration - revenue collection, and relative to certain functions of the department of revenue administration.

HB 193-FN-A, relative to liquor store relocation and making an appropriation therefor.

HB 255-FN-A, dedicating a portion of the federal Wallop-Breaux funds, with state matching funds for the establishment of boat launching access and making an appropriation therefor.

HB 724, relative to the transfer of 57 acres of Rye Harbor state park to the department of fish and game for wildlife management.

HB 204-FN, requiring the supervisors of the checklist in the New England states to be notified when a voter is added to a checklist in New Hampshire.

HB 698-FN, requiring accessible polling places and voting booths for physically disabled and elderly persons.

HB 660-FN, relative to information services at highway rest areas and appropriating fees for these services.

HB 679-FN, relative to buyers of farm products and distribution of funds to agricultural fairs, and making an appropriation to the secretary of state for a central indexing system for security interests in farm products.

HB 24, to extend the deadline for the joint committee on recodification of the water laws to submit its report to the General Court.

HB 591, relative to retention of state election ballots.

HB 578-FN, relative to unemployment compensation.

HB 683-FN, relative to state employee benefits.

HB 155-FN, relative to sunset review of the board of education - food and nutrition.

HB 717, relative to membership on planning boards.

HB 407-FN, amending the way in which the town of Londonderry shall collect its taxes for fiscal years 1987-1994.

HB 438, relative to applicants for armed security guard and armed private detective licenses.

HB 62, relative to establishing salaries of county officers.

HB 117-FN, relative to sunset review of board of medicine.

HB 284-FN-A, making an appropriation for a conference on day care.

HB 339-FN-A, relative to lead paint abatement.

#### NONCONCURRENCE

HB 54, prohibiting interference with hunters, trappers and fishermen.

HB 336-FN-A, requiring permits for projects affecting the water quality of the surface waters or ground waters of the state and providing for administrative fines for septic system violations.

HB 493-FN, establishing a committee to study the potential development of a state park in the Kona Wildlife Area in Moultonborough.

HB 573-FN, establishing a fire standards and training council within the department of post secondary vocational-technical education.

#### INDEFINITELY POSTPONED

HB 373-FN-A, relative to family life education and making an appropriation therefor.

HB 259, relative to the alcohol content in alcoholic beverages.

## RE-REFERRED TO COMMITTEE

HB 295-FN, relative to the board of tax and land appeals.

HB 561-FN, relative to provisions of water supplies to victims of water supply contamination, reimbursement of the oil pollution control fund, and licensing of oil transporters.

HB 231-FN, relative to updating master plans once every 5 years.

## ENROLLED BILLS REPORT

HB 75, relative to registration fees for pesticide products.

HB 157, relative to sunset review of the board of education - general instructions, school district evaluation guidelines.

HB 173, relative to sunset review of the postsecondary education commission - nursing scholarship program, requirements for the nursing scholarship program, and a leveraged incentive program.

HB 174, relative to sunset review of postsecondary education commission - war orphans scholarships.

HB 208, relative to the limit on trout taken by fly fishing in Clarksville Pond in the town of Clarksville.

HB 229, relative to the exemption of skeet, trap, shooting sports clubs and owners of shooting ranges from any civil or criminal actions relating to noise pollution.

HB 425, relative to the powers of the adult parole board and credits for good conduct.

HB 544, increasing the limit on the state guarantee of bonds and notes of school districts.

HB 550, regulating investment promoters.

HB 612, relating to insurance holding companies.

HB 655, relative to the testing of livestock in pulling contest.

HB 292, permitting certain group II members who serve with the police standards and training council or with the fire standards and training commission to continue as group II members of the New Hampshire retirement system.

HB 633, relative to unlicensed funeral home employees and funeral home inspections.

SB 54, relative to the investments of non-profit health service corporations.

SB 121, authorizing the attorney general to undertake proceedings on behalf of resident taxpayers of this state regarding certain taxes imposed by the state of Maine.

SB 173, relative to disclosure of motor vehicle defects.

SB 217, relative to school administrative units.

SB 158, relative to limitations of prosecutions of sexual assault offenses.

SB 221, relative to the due date for the meals and rooms tax return.

HB 37, relative to the emergency management act.

HB 88, relative to the pesticide control board; rulemaking hearings, exemptions, and definitions.

HB 131, relative to sunset review of state liquor commission - office of the commissioner/administration.

HB 132, relative to sunset review of state liquor commission - office of the commissioner/regulation.

HB 134, relative to sunset review of state liquor commission - warehouse.

HB 158, relative to sunset review of the department of education - adult basic education.

HB 180, establishing a study committee to examine the publication and distribution of session laws.

HB 213, relative to guardians for minors and the correction of statutory references for certain appeals.

HB 248, allowing the expulsion of unruly persons from horse and dog racetrack grounds.

HB 299, continuing pari-mutuel tax credits for dog races, and raising the limit therefor.

HB 327, relative to funding for a pulp and paper technology program at the New Hampshire vocational-technical college at Berlin.

HB 329, relative to estimated tax payments for railroads and public utilities.

HB 383, relative to road tolls.

HB 362, relative to returns and taxable meals under the meals and rooms tax.

HB 454, relative to proof of exceptions.

HB 455, relative to criminal mischief.

HB 600, relative to OHRV fees.

HB 654, relative to dogs and cats.

HB 686, relative to farm plates.

Rep. Raymond C. Buckley, II  
Sen. John P.H. Chandler, Jr.  
For the Committee.

#### ENROLLED BILLS AMENDMENTS

HB 306, limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River Pond in the town of Wakefield.

#### Amendment

Amend the bill by replacing lines 2 and 3 on page 1 with the following:

RSA 486 by inserting after section 28 the following new sections:

486:29 Marshs Pond and Chalk Pond.

Amend the bill by replacing line 13 on page 1 with the following:

486:30 Pine River Pond.

This amendment renumbers 2 RSA sections to avoid duplicating the numbering of RSA sections already inserted by HB 31.

Adopted.

HB 420, restricting power boats on Hermit Lake in the town of Sanbornton and requiring the division of safety services to make a study and hold a hearing relative to boating on Lake Pemigewasset in the towns of New Hampton and Meredith.

#### Amendment

Amend the bill by replacing lines 2 and 3 on page 1 with the following:

30 the following new section.

486:31 Hermit Lake. No person shall use or operate any power boat

Amend the bill by replacing lines 3-6 on page 2 with the following:  
development, recreation and environment on or before December 1, 1987.



3 Contingency; Renumbering. If HB 306, "An Act limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River pond in the town of Wakefield" does not become law, RSA 486:31 as inserted by section 1 of this act shall be renumbered to read as RSA 486:29. If any other act of the 1987 regular session of the general court containing amendments to RSA 486 which insert any new sections into the chapter become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by such act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives.

The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1987 session laws.

4 Effective Date.

I. Section 1 of this act shall take effect January 1, 1988.

II. The remainder of this act shall take effect upon its passage.

This amendment rennumbers an RSA section to avoid duplicating the numbering of other new RSA sections already inserted by HB 31 and HB 306. The amendment also corrects a reference and inserts a contingency authorizing the director of legislative services to make technical numbering corrections as necessary, depending on which bills inserting new sections into RSA 486 become law.

Adopted.

HB 579-FN, relative to combining the Peterborough and Jaffrey district courts and providing for the tenure of justices when judicial districts are combined.

Amendment

Amend the bill by replacing line 9 on page 2 with the following:  
be located in [said] Jaffrey or Peterborough, holding sessions regularly

Amend the bill by replacing line 14 on page 2 with the following:  
Following Consolidation of Districts. Amend RSA 502-A by inserting after

This amendment shows the deletion of a word from current law omitted from the bill and corrects a statutory reference.

Adopted.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 106, relative to the responsibilities of the commissioner of safety, was removed at the request of Rep. McCain.

SB 64, legalizing the New London - Springfield water system precinct meeting of March 18, 1986, was removed at the request of Rep. Ezra Mann.

Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

SB 6-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor. (A) Ought to Pass. There is no appropriation on this bill. The Committee supports the recommendation of the Environment and Agriculture Committee to create this study. Vote 17-1. Rep. Elizabeth Hager for Appropriations.

SB 10-A, permitting state participation in a Clean Water Act State Revolving Loan Fund. (A) Ought to Pass with Amendment. The provision to create the revolving loan fund remains in this bill; the 3 communities in the bill have been moved to SB 212-FN-A; and a study committee to study the funding has been established. Vote 19-0. Rep. Elizabeth Hager for Appropriations.

## Amendment

Amend RSA 149-B:12 as inserted by section 1 of the bill by replacing it with the following:

149-B:12 State Water Pollution Control Revolving Loan Fund. Authority is hereby granted for the state of New Hampshire to participate in the federally funded state water pollution control revolving loan fund as may be provided under the Clean Water Act as amended from time to time. The loan fund shall be administered by the commissioner of the department of environmental services under rules adopted by the commissioner under the provisions of RSA 541-A. A committee composed of the governor or his designee, the commissioner of environmental services or his designee, the treasurer or his designee, one member of the executive council to be named by the governor, the chairman of the senate capital budget committee or his designee, the chairman of the house resources, recreation and development committee or his designee, one member of the house of representatives appointed by the speaker of the house, and one member of the senate appointed by the president of the senate, shall assist and advise the commissioner of environmental services in developing guidelines and rules for determining eligibility and the administration of the loan fund.

Amend section 2 of the bill by replacing it with the following:

2 Study Committee Established. There is hereby established a study committee to review the funding mechanism of state water pollution control revolving loan fund and the federal changes in the Clean Water Act. The committee shall consist of 3 members of the senate finance committee appointed by the chairman of senate finance and 3 members of the house appropriations committee appointed by the chairman of the house appropriations committee. The committee shall select a chairman from its membership and shall meet at the call of the chairman. Committee members shall be entitled to legislative mileage in performing duties in connection with the committee work.

The committee shall report its findings and recommendations to the president of the senate and the speaker of the house of representatives on or before December 1, 1987.

## AMENDED ANALYSIS

As amended, this bill authorizes the state to participate in the state revolving loan fund established under the 1986 Clean Water Act amendments if such amendments are enacted.

The bill further establishes a legislative study committee to review the funding mechanism of the revolving loan fund and the federal changes in the Clean Water Act.

SB 63-FN-A, acquiring land on the Connecticut River and making an appropriation therefor. (A) Ought to Pass.

This bill directs Departments of Resources and Economic Development and Fish and Game to jointly negotiate with the current owner for the purchase of 16 acres of land on the Connecticut River. Negotiations shall be based on the state appraisal of the land. The bill only appropriates \$1.00 for the purpose of this act. Vote 19-0. Rep. Jeffrey C. Miller for Appropriations.

SB 75-A, authorizing the study of the feasibility of reconstructing U.S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill authorizes \$150,000 from the highway fund to the Department of Transportation to conduct a study and recommend reconstruction of U.S. Route 1 from the Massachusetts border to Portsmouth. In addition, the amendment authorizes \$865,000 from the highway fund for the Westminster Bridge. Vote 20-0. Rep. Patricia O. Sanderson for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

authorizing the study of the feasibility of reconstructing U.S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, providing for the reconstruction of a section of Prescott Road in the town of Raymond, and relative to the rehabilitation of the Westminster bridge on Routes 12 and 123 in the town of Walpole and making an appropriation therefor.

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$940,000 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 1987, for the rehabilitation of the Westminster bridge in the town of Walpole. This appropriation shall be nonlapsing, but the commissioner of the department of transportation is directed to prioritize this rehabilitation project by letting the contract for this work in fiscal year 1987 or 1988, and the work shall be started as soon as reasonably possible. The funds for this appropriation are from the following sources:

State of New Hampshire	\$865,000
State of Vermont	75,000
Total	<u>\$940,000</u>

The state of New Hampshire's share of the appropriation shall be reduced by any federal funds made available for this project.

4 Bonds. To provide funds for the state of New Hampshire's share of the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$865,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

5 Payments. The payment of principal and interest on the bonds and notes issued under section 4 of this act shall be made when due from the highway fund.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill, as amended, appropriates \$150,000 from the highway fund to the department of transportation to conduct a study and recommend improvements and reconstruction to U.S. Route 1 from the Massachusetts state border to Portsmouth, New Hampshire.

The commissioner of the department of transportation shall submit the results of the study to the senate president and speaker of the house of representatives on or before December 1, 1988.

As amended, the bill appropriates \$940,000 for the rehabilitation of the Westminster bridge in the town of Walpole. The appropriation is nonlapsing and from the following sources:

- (1) State of New Hampshire - \$865,000.
- (2) State of Vermont - \$475,000.

SB 107-FN-A, relative to the New Hampshire state airport system plan and making an appropriation therefor. Ought to Pass.

The Committee agrees that it is important to update the New Hampshire State Airport System Plan and that the expenditure of \$20,000 in state funds is worthwhile. Vote 19-0. Rep. Elizabeth Hager for Appropriations.

SB 112-A, making an appropriation to the department of safety for certain capital improvements. (A) Inexpedient to Legislate.

The items in this bill are being dealt with in the capital budget where they belong. Vote 20-0. Rep. Elizabeth Hager for Appropriations.

SB 125-FN, to appropriate funds for ocean disposal of Rye Harbor dredge material. (A) Ought to Pass with Amendment.

This bill as amended provides the funds for the dredging of Rye Harbor and disposal of spoil at sea. Vote 19-0. Rep. Patricia O. Sanderson for Appropriations.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Coastal Projects. Amend 1985, 409:1, 1X as amended by 1986, 209:1 to read as follows:

#### IX. Resources and Economic Development

- A. Ski lift renovation and replacement, and snowmaking and trail improvements - Mt. Sunapee, Cannon Mt. \$3,910,000
- B. [Marine repairs, dredging - Hampton, Portsmouth and Rye harbor] [920,000]  
Coastal projects
  - 1. Portsmouth harbor - marine repairs and dredging \$ 570,000
  - 2. Rye harbor projects 400,000

Total state appropriation subparagraph B \$ 970,000

C. Safety modifications and sewage Franconia Notch state park	155,000
D. Lodge expansion, water and sewer improvements - Mt. Sunapee state park	160,000
E. Building repairs, parking and sewer improvements - Wallis Sands state park	290,000
F. Handicapped facilities - state campgrounds	250,000
G. Power and water - state campgrounds	250,000
H. Safety hazards, building and sewer repairs Fort Stark	140,000
I. Parking and building repairs Franconia Notch state park	<u>170,000</u>
Total state appropriation paragraph IX	[ \$ 6,245,000 ] \$6,295,000

(A sum not exceeding 1-1/2 percent of the total capital appropriation made in section 1, IX, A, may be utilized for the purpose of contract or in-house engineering services for design, maintenance, and supervision. The appropriation made in section 1, IX, A for the department of resources and economic development shall not be expended, encumbered or obligated in any way without the approval of the capital budget overview committee.)

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill, as amended, appropriates \$970,000 to the department of resources and economic development for coastal projects.

SB 128-A, authorizing the construction of a Keene bypass extension and making an appropriation therefor. (A) Ought to Pass.

This bill appropriates \$500,000 to the Department of Transportation for land acquisition, engineering and environmental studies for a bypass of approximately two miles from the junction of Routes 9, 12 and 101 in the City of Keene to a junction of Route 10 in the Town of Swanzy. Vote 19-0. Rep. Margaret A. Ramsay for Appropriations.

SB 134-FN-A, to commission a study of an environmental risk insurance fund and making an appropriation therefor. (A) Ought to Pass with Amendment.

The Committee recognizes the importance of this bill. The amendment reduces the appropriation to \$1.00 so that the priority of the bill can be considered with other bills in Committees of Conference. Vote 15-0. Rep. Elizabeth Hager for Appropriations.

#### Amendment

Amend the bill by replacing section 1 with the following:

1 Environmental Risk Insurance Fund Study Commission; Establishment.

I. There is hereby established an environmental risk insurance fund study commission, which shall consist of the following:



- (a) Two public members appointed by the governor;
- (b) Two senators appointed by the president of the senate;
- (c) Two members of the house of representatives appointed by the speaker of the house of representatives;
- (d) Two municipal officials appointed by the New Hampshire Municipal Association;
- (e) One member appointed by the Business and Industry Association of New Hampshire;
- (f) The commissioner of insurance or his designee;
- (g) The commissioner of revenue administration or his designee;
- (h) The state treasurer or his designee;
- (i) One member appointed by the New Hampshire Association of Commerce and Industry; and
- (j) One attorney with a background in environmental law appointed by the New Hampshire Bar Association.

II. The insurance commissioner or his designee shall chair the commission. The insurance department shall provide administrative support services for the commission. The insurance commissioner shall convene the first meeting of the commission within 30 days following the effective date of this act.

Amend the bill by replacing section 5 with the following:

5 Appropriation. In addition to any other sums appropriated to the department of insurance, there is hereby appropriated the sum of \$1 for the fiscal year ending June 30, 1988, to the department of insurance for the use of the commission in collection and processing data, engaging such consultants as the commission deems necessary, and preparation of its report and recommendations. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

#### AMENDED ANALYSIS

This bill establishes a 14 member environmental risk insurance fund study commission to study matters relative to the establishment of an environmental risk insurance safety fund. This bill provides that the commission shall be chaired by the insurance commissioner and that administrative support shall be provided by the insurance department.

This bill, as amended, appropriates \$1 for fiscal year 1988 to the department of insurance for the use of the commission. The bill provides that the commission shall file its report, along with any recommended legislation, with the senate president and speaker of the house by April 15, 1988.

SB 142-FN-A, increasing rates for shared homes and for certain residents of community living homes and making an appropriation therefor.  
(A) Inexpedient to Legislate.

This bill would have increased the standard of need for shared homes and specialized home care. The increased rate would have been twice the amount proposed in HB 293 for foster care. The Appropriations Committee feels it is important to pay all our providers a fair rate, but it also should be equitable. Vote 18-0. Rep. Margaret A. Ramsay for Appropriations.

SB 145-FN, relative to study of the state classification system and making an appropriation therefor and directing the facilities committee to conduct a study of salaries for unclassified state employees and making an appropriation therefor. (A) Ought to Pass with Amendment.



The House has already approved both a classified and an unclassified personnel study. The amendment also authorizes an additional study of judicial branch employees and appropriates \$20,000 for this purpose. All studies are to be under the purview of the existing Personnel System Task Force, all consultants must be approved by the Fiscal Committee, and all reports must be filed no later than January 30, 1988 so they will be available for action in the second-year session. Vote 18-0. Rep. Caroline L. Gross for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to study of the state classification system and directing the personnel system task force to conduct a study of salaries for unclassified state employees and judicial branch employees and making an appropriation therefor.

Amend the bill by replacing all after section 1 with the following:

2 Unclassified Employees Study Authorized. The personnel system task force established in 1986, 12:2, II shall conduct an in-depth study of salaries for all unclassified state employees. The task force is authorized to select, retain, and supervise a qualified consultant, subject to the prior approval of the fiscal committee of the general court. All state departments and agencies shall cooperate with the task force as may be required to complete this study. The members are authorized to receive legislative mileage in connection with their duties under this act. A report on the task force's findings and recommendations for legislation shall be made to the speaker of the house of representatives and the president of the senate on or before January 30, 1988.

3 Judicial Branch Employees Study Authorized. The personnel system task force established in 1986, 12:2, II shall conduct an in-depth study of salaries for all judicial branch employees, excluding the salaries of justices and judges, as established in RSA 491-A:1. The task force is authorized to select, retain, and supervise a qualified consultant, subject to the prior approval of the fiscal committee of the general court. All state departments and agencies shall cooperate with the task force as may be required to complete this study. The members are authorized to receive legislative mileage in connection with their duties under this act. A report on the task force's findings and recommendations for legislation shall be made to the speaker of the house of representatives and the president of the senate on or before January 30, 1988.

4 Appropriation. In addition to any other sums appropriated to the personnel system task force, the sum of \$250,000 is hereby appropriated for costs incurred in meeting its obligations under 1986, 12:2, the sum of \$50,000 for the purpose of section 2 of this act, and \$20,000 for the purpose of section 3 of this act, for the fiscal year ending June 30, 1988. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Final Report Date. Amend 1986, 12:2, VI(a) to read as follows:

(a) The final report of the task force, including recommendations for changes in the classified personnel system, shall be issued no later than [November 1, 1987] January 30, 1988.

6 Effective Date. This act shall take effect July 1, 1987.

## AMENDED ANALYSIS

This bill provides that the consultant selected by the personnel system task force shall be subject to the prior approval of the fiscal committee of the general court.

The bill, as amended, directs the personnel system task force to conduct a thorough study of the salaries of unclassified state employees and employees of the judicial branch. The task force is authorized to hire a consultant to assist with the studies.

The task force is required to submit a report to the president of the senate and the speaker of the house by January 30, 1988.

This bill appropriates \$250,000 to the task force to enable it to meet its obligations under 1986, 12:2. It also appropriates to the task force \$50,000 for the study of unclassified employees' salaries, and \$20,000 for the study of judicial branch employees' salaries.

SB 161-FN, relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor. (A) Ought to Pass.

This bill increases the accrual rate of Group II members of the New Hampshire Retirement System 2-1/2 percent of their average. Final compensation multiplied by the number of years of creditable service not in excess of 40 years. This action is funded by the Retirement System Special Account and does not involve general fund money. Vote 15-0. Rep. Philip H. Weymouth for Appropriations.

SB 174-FN, establishing a committee to study retirement system benefits. (A) Ought to Pass with Amendment.

This bill establishes a committee to study the level of benefits for Group I members of the New Hampshire Retirement System. The amendment, in keeping with House tradition, adds two members of House Appropriations to the study committee. Vote 18-0. Rep. Caroline L. Gross for Appropriations.

## Amendment

Amend section 2 of the bill by inserting after paragraph II the following new paragraph:

III. Two members of the house appropriations committee, appointed by the chair of the house appropriations committee.

SB 175-FN, providing a cost of living increase for New Hampshire retirement system and teachers retirement system members. (A) Ought to Pass.

This bill provides a 5 percent cost of living adjustment for New Hampshire Retirement System beneficiaries who retired between July, 1983 and July, 1985, effective July 1, 1987. This action is funded by the Retirement System Special Account and does not involve general funds. Vote 14-0. Rep. Philip H. Weymouth for Appropriations.

SB 180-FN-A, relative to restoring the original state house and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill authorizes an architectural study for restoration of the original State House in Portsmouth. The amendment authorizes a bond for restoration and repair of the Legislative Office Building and allows for reduction of the bond from other sources (insurance). Vote 19-0. Rep. Lee Anne S. Steiner for Appropriations.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to restoring the original state house and making an appropriation therefor and relative to the legislative office building and making an appropriation therefor.

Amend the bill by replacing section 5 with the following:

5 Appropriation. There is hereby appropriated to the joint committee on legislative facilities the sum of \$2,600,000 for the purposes of restoration and repair of the legislative office building. This appropriation shall be nonlapsing.

6 Bonds Authorized. To provide funds for the appropriation made in section 5 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made when due from the general funds of the state. The bonds shall be 10 year bonds.

7 Reduction of Bonding Authority. The amount of bonding authorized by section 6 of this act shall be reduced by the amount of funds which may become available from other sources for the same purpose as described in section 5 of this act. The funds which may become available from other sources shall be used to fund the repairs of the legislative office building and the state treasurer shall issue bonds to cover any shortfall in other available funding sources.

8 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill authorizes the director, division of historical resources, department of libraries, arts and historical resources, to hire an architect to perform an architectural study and to make recommendations for restoring the original state house in Portsmouth, New Hampshire.

This bill appropriates \$125,000 to the division of historical resources for the purposes of this act.

This bill, as amended, appropriates \$2,600,000 to the legislative facilities committee for the restoration and repair of the legislative office building. The bonding authorization shall be reduced by the amount of funds made available from other sources.

Rep. David Wright abstained from voting under Rule 16.

SB 187-FN-A, relative to the Weeks traffic circle. (A) Ought to Pass.

This bill authorizes the necessary construction to correct a serious traffic problem. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

SB 196-FN-A, relative to health hazards in the home and making an appropriation therefor. (A) Inexpedient to Legislate.

The Appropriations Committee recommended increases for the environmental health risk labs in the Division of Public Health Services in HB 300 and feels there is enough money to carry out the intent of this bill. In addition, Governor and Council have approved a Memorandum of Agreement with the Division of Public Health Services to implement a residential radon education and outreach program from May 1 through October 31, 1988. Vote 19-0. Rep. Margaret A. Ramsay for Appropriations.

SB 200-FN, permitting group II state employee members who reach age 60 to make an election for retirement benefits. (A) Ought to Pass.

This bill establishes a consistent retirement age for Groups I and II of the New Hampshire Retirement System and effective July 1, 1989 a Group II member may retire at age 60 regardless of number of years of creditable service. No general fund money is involved in this action. Vote 14-0. Rep. Philip H. Weymouth for Appropriations.

COMMITTEE REPORTS  
(Regular Calendar)

SB 1-A, establishing the New Hampshire land conservation investment program and making an appropriation therefor. (A) Ought to Pass with Amendment.

The Committee agrees with the rest of the House that the Land Trust is of crucial importance to New Hampshire. The amendment to the bill indicates the Committee's strong support for the Trust. The actual amount in the amendment is \$1 in general funds for the first two years and \$30 million in bonds for the next three years. The Committee feels that this amendment allows the House the strongest position in working with the Senate to fund the Land Trust. Vote 18-1. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend all after section 3 of the bill by replacing it with the following:

4 Appropriation for Fiscal Years 1990-1992.

I. In addition to the funds appropriated under section 3, the sum of \$10,000,000 for the fiscal year ending June 30, 1990, the sum of \$10,000,000 for the fiscal year ending June 30, 1991, and the sum of \$10,000,000 for the fiscal year ending June 30, 1992, are appropriated for the purposes of this act. Said sums shall be appropriated initially from any funds earned as interest from funds invested by the state treasurer under RSA 221-A:7, II.

II. If the funds available from the trust fund investment interest under RSA 221-A:7, II do not equal \$10,000,000 for any of the fiscal years listed in paragraph 1, the remainder of said sum for that fiscal year shall be funded through bonds issued by the state treasurer according to section 5 of this act.

5 Bonds Authorized. To provide funds for the appropriations made in section 4 of this act, the state treasurer is authorized to borrow upon the credit of the state not exceeding the sum of \$30,000,000 and for said purpose may issue bonds and notes in the name of the state of New Hampshire in accordance with RSA 6-A. Bonds and notes may be issued under this section only if, and only to the extent that, trust fund investment interest under RSA 221-A:7, II is insufficient to fully fund the appropriations made in section 4 of this act. Payments of principal and interest on the bonds and notes shall be made from the general funds of the state. The bonds shall be 10 year bonds.

6 Effective Date. This act shall take effect July 1, 1987.

AMENDED ANALYSIS

The bill, as amended, establishes the New Hampshire land conservation investment program. The program consists of a trust fund to be administered by a 15-member board of directors, including the director of the office of state planning, the chairman of the fish and game commission, the commissioners of the departments of resources and economic development, agriculture, and environmental services, 2 members each of



the house of representatives and the senate, the state treasurer or his designee, 3 public members to be appointed by the Trust for New Hampshire Lands, and 2 public members to be appointed by the governor and council.

The board is empowered to establish criteria for selecting lands to be protected, and to purchase various interests and rights in such lands for that protection, after receiving the approval of governor and council. The board must file an annual report with the speaker of the house, president of the senate, and governor and council detailing interests and rights purchased in land and a complete accounting of the trust funds.

The bill requires the board to notify the selectmen of a town if a parcel of land in the town is under consideration for purchase. The selectmen must post notice of the proposed purchase, and petition the board for a public hearing at the request of 10 registered voters in the town.

The bill authorizes the state to match funds from municipalities from the trust fund to purchase lands meeting the program's criteria.

Appropriate state agencies and municipal governments are to administer the public trust lands purchased under the program, as determined by the board of directors.

The bill provides liability protection to grantors or sellers of rights or interests in land under the program against action for injuries suffered on those properties.

The bill appropriates \$1 for the biennium ending June 30, 1989, and \$10,000,000 for each of the fiscal years 1990, 1991, and 1992. The funds for each of the fiscal years 1990, 1991, and 1992 are to come first from the interest earned on investment of the trust funds by the state treasurer, and, if the authorized appropriations are still not fully funded, the balance shall be funded by bonds issued by the state treasurer.

The program is subject to review in 1993.

Reps. Gross and Matson spoke in favor of the amendment.

Rep. Granger spoke against the amendment.

Amendment adopted.

A roll call was requested. Sufficiently seconded.

YEAS 311 NAYS 25  
YEAS 311

BELKNAP: Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Maviglio, Pearson, Randall, Lawrence Richardson, Thurston, Turner and Wixson.

CARROLL: Allard, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Clark, Cole, Daschbach, Jesse Davis, Delano, Doucette, Daniel Eaton, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Morse, Parker, Pierce, Ramsay, William Riley, Sawyer and Schwartz.

COOS: Harold Burns, Coulombe, Frederic Foss, Guay, Horton, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Dearborn, Densmore, Driscoll, Hammond, Michael King, Wayne King, LaMott, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baldizar, Bass, Lionel Boucher, Bourque, Boutwell, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Cowenhoven, Cox, Cusson, Daigle, Ann Derosier,

William Desrosiers, William Dion, Paul Dionne, Donovan, Drolet, Dube, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Gagnon, Gelinas, Genest, Scott Green, Grip, Guilbert, Betty Hall, Marian Harrington, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Donna Kelly, Alice Knight, Korcoulis, Lefebvre, Levesque, Long, Lown, Lozeau, Mason, Messier, Morrissette, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Paquette, Pariseau, Perham, Pignatelli, Prestipino, Price, Reidy, Herbert Richardson, Ellen-Ann Robinson, Routhier, Shriver, Leonard Smith, Steiner, Stonner, Sullivan, Tarpley, Vanderlosk, Watson, Emma Wheeler, Winn and Zajdel.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Laurent Boucher, James Chandler, Fillion, Gilbreth, George E. Gordon, Gross, Hager, Hayes, Hess, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Merton Mann, Manus, Millard, Nichols, Phelps, Philbrick, Provencal, Rehlander, Doris Riley, Gerald Smith, Stio, Tupper, Wallner and Whitemore.

ROCKINGHAM: Gordon Arnold, Barnes, Blaisdell, Blanchard, Blanchette, William Boucher, Buco, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cooke, Cressy, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McGovern, McKinney, Newell, Palumbo, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Scamman, Schwaner, Scott, Seward, Sherburne, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vaughn, Walker, Warburton, Weddle, Wells, Woodward and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Kincaid, Kinney, Koromilas, Laurion, Martling, William McCann, McManus, Musler, Parks, Pelley, Proulx, Francis Robinson, Spear, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Domini, Flint, Ingram, Krueger, McKee, Normandin, Peyron, Rodeschin, Schotanus and Spaulding.

#### NAYS 25

BELKNAP: Locke.

CARROLL: None.

CHESHIRE: Blacketor.

COOS: Lemire.

GRAFTON: Bennett.

HILLSBOROUGH: Buckley, Domaingue, Granger, McRae, Reardon, Rodgers, Soucy, Stiles, Turgeon, Ware, Kenneth Wheeler and Zis.

MERRIMACK: Beaton.

ROCKINGHAM: Benton, Lawrence A. Chase, Jr., Hynes, Schmidtchen and Welch.

STRAFFORD: Lussier and Swope.

SULLIVAN: Lindblade, and SB 1 was ordered to third reading.



(Speaker in the Chair)

Rep. Palumbo moved that HB 10-FN-A, relative to state employee salaries and judicial salaries and making an appropriation therefor, be taken up at the present time and spoke to his motion.  
Adopted.

HB 10-FN-A, relative to state employee salaries and judicial salaries and making an appropriation therefor. Ought to Pass with Amendment. This bill has two major parts. Part one fully funds the negotiated state employee package. The major part of this bill provides for three pay increases of about 3 percent each to take effect in September 1987, June 1988 and December 1988. This total package has already been ratified by the SEA and approved by Governor and Council; the Appropriations Committee recommends the passage of this part of the bill without change.

The Committee amendment addresses only the second part of the bill which provides two different sets of increases for other members of the state family not covered by the negotiated contract. One group would receive the same 3 percent, 3 percent, 3 percent increases as classified employees. The other group would receive two increases of 4 percent each. No one appeared at the public hearing to explain these increases or why these two groups should be treated differently. In the time available it was not possible for the Committee to answer these questions to its satisfaction. However, this was not sufficient reason to deprive these employees of that part of their pay raise the bill would provide before the end of the second-year session.

The Committee amendment thus retains the first step in the pay raise for both these groups, but defers subsequent pay raises until after the studies of the classified, unclassified and judicial personnel systems (authorized and funded in SB 157) are completed next January and submitted for consideration in the second year session.

It is not the intention of the amendment to rule out further pay adjustments for these two groups. Indeed, neither group would receive a second pay increase even without the amendment until June of 1988. However, with the amendment the House will have the opportunity to look at a revised personnel system before deciding what additional pay raises would be appropriate. This is important because pay raises are expensive and on-going. The cost of the bill with the amendment will be \$26,452,032 for the next biennium! Vote 12-6. Rep. Caroline L. Gross for Appropriations.

#### Amendment

Amend the bill by replacing all after section 4 with the following:

5 Classified Increases; September 11, 1987. Amend RSA 99:3 to read as follows:

99:3 Increase in Salary. Classified employees of the state as of [March 13] September 11, 1987, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

6 Classified Increases; June 3, 1988. Amend RSA 99:3 to read as follows:

99:3 Increase in Salary. Classified employees of the state as of [September 11, 1987] June 3, 1988, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in

RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

7 Classified Increases; December 16, 1988. Amend RSA 99:3 to read as follows:

99:3 Increase in Salary. Classified employees of the state as of [June 3] December 16, 1988, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

8 Judicial Salaries; September 11, 1987. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$68,640
Associate justices, supreme court	\$66,079
Chief justice, superior court	\$66,079
Associate justices, superior court	\$64,350
District court justices prohibited from practice pursuant to RSA 502-A:21	\$64,350
Probate judges	\$19,675

9 Judicial Employees. All judicial employees shall receive a 3 percent salary increase on September 11, 1987.

10 Joint Legislative Employees. All joint legislative employees shall receive a 4 percent salary increase on June 5, 1987, if their salaries are not based on the salary table in RSA 99:1-a. Joint legislative employees whose salaries are based on the salary table in RSA 99:1-a shall receive the September 11, 1987, increase reflected in RSA 99:1-a.

11 Appropriation for Salary Increase. The sums of \$15,754,240 in general funds, \$5,269,615 in highway funds, \$304,732 in fish and game funds, \$3,820,286 in federal funds, and \$1,303,159 in self-sustaining funds are hereby appropriated in addition to any other sums appropriated for the fiscal years ending June 30, 1988, and June 30, 1989, for salary increases for classified, unclassified, judicial, non-classified, and joint legislative employees. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

12 Effective Date.

1. Sections 1, 5, and 8 of this act shall take effect September 11, 1987.

II. Sections 2 and 6 of this act shall take effect June 3, 1988.

III. Sections 3 and 7 of this act shall take effect December 16, 1988.

IV. Section 4 of this act shall take effect June 5, 1987.

V. Sections 9, 10, and 11 of this act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill increases classified state employee salaries by about 3 percent on September 11, 1987, about 3 percent on June 3, 1988, and about 3 percent on December 16, 1988. Judicial, judicial branch, and certain joint legislative employees receive a 3 percent increase on September 11, 1987. The bill increases unclassified state employee and certain joint legislative employee salaries by 4 percent on June 5, 1987. The bill appropriates funds for fiscal year 1988 and fiscal year 1989 for salary increases for classified, unclassified, judicial, non-classified, and

joint legislative employees. This bill also updates the position titles in the unclassified schedule, including positions in the new department of environmental services.

Amendment adopted.

Ordered to third reading.

#### SUSPENSION OF RULES

Rep. Palumbo moved that the rules be so far suspended as to place HB 10-FN-A, relative to state employee salaries and judicial salaries and making an appropriation therefor, on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Question now being on placing HB 10-FN-A, relative to state employee salaries and judicial salaries and making an appropriation therefor, on third reading and final passage.

Adopted.

#### Third reading and final passage

HB 10-FN-A, relative to state employee salaries and judicial salaries and making an appropriation therefor.

#### RECALL FROM THE GOVERNOR

Rep. Butler moved that the House recall HB 435-FN, creating a committee to study head injuries in New Hampshire and relative to health care for the indigent, from the Governor and spoke to her motion.

Adopted.

The Speaker called for the Special Order.

SB 8, granting counties the authority to acquire and operate public utilities. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This bill authorizes counties to acquire, establish and operate plants for utilities to serve the county and its inhabitants. Control of such plants is vested in the county commissioners. The bill is loosely written, and it is the belief of the majority of the Committee that this attempt at counties running utilities is out of reason. If this bill passed and 100% of the counties went into the utility business, the towns and cities would lose over \$27,000,000 in property taxes. Vote 16-2. Rep. C. Dana Christy for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: This Senate passed bill enables the counties the same status already provided to the towns and cities to cooperatively work together to provide the cheapest energy available to their cities. Rep. Raymond C. Buckley, II for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. William Riley spoke against the Majority report.

Rep. Buckley moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. Christy spoke against the motion.

Reps. Price, Guay and Chambers spoke in favor of the motion and yielded to questions.

Rep. Christy yielded to questions.

A roll call was requested. Sufficiently seconded.

Rep. Marilyn Campbell abstained from voting under Rule 16.

YEAS 116 NAYS 209  
YEAS 116

BELKNAP: Bowler, Dexter, Golden, Malcolm Harrington, Maviglio, Lawrence Richardson and Wixson.

CARROLL: Kenneth MacDonald.

CHESHIRE: Blacketer, Clark, Cole, Daschbach, Daniel Eaton, Frink, Hunt, LaMar, Ramsay, William Riley, Sawyer and Schwartz.

COOS: Harold Burns, Coulombe, Guay, Horton, Lemire, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Chambers, Copenhaver, Michael King and Wayne King.

HILLSBOROUGH: Baldizar, Lionel Boucher, Bourque, Buckley, Burkush, Cote, Cusson, Ann Derosier, William Dion, Dwyer, Joseph M. Eaton, Frank, Gagnon, Gelinas, Genest, Scott Green, Guilbert, Betty Hall, Chris Jacobson, Donna Kelly, Korcoulis, Lefebvre, Long, Lozeau, O'Rourke, Pignatelli, Price, Reardon, Reidy, Leonard Smith, Soucy, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Fillion, George E. Gordon, Burton Knight, Lewis, Merton Mann, Doris Riley, Tupper and Wallner.

ROCKINGHAM: Blanchette, Butler, Cressy, Thomas Gage, Gourdeau, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, Magoon, McGovern, Pevear, Popov, Read, Rosencrantz, Sherburne, Splaine, Vaughn, Walker, Weddle and Wells.

STRAFFORD: Anita Flynn, Edward Flynn, Laurion, William McCann, McManus, Pelley, Proulx, Francis Robinson, Spear and Ralph Torr.

SULLIVAN: Behrens and Ingram.

NAYS 209

BELKNAP: Richard Campbell, Hardy, Holbrook, Jensen, Locke, Pearson, Randall, Thurston and Turner.

CARROLL: Allard, Russell Chase, Dickinson, Robert Holmes, Hounsell, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Jesse Davis, Delano, Doucette, Irvin Gordon, Grodin, Miller, Morse, Parker and Pierce.

COOS: Frederic Foss, Marsh and Mayhew.

GRAFTON: Bennett, Blair, Christy, Dearborn, Driscoll, Hammond, LaMott, Lougee, Ezra Mann, McAvoy, Rounds, Scanlan, Howard Townsend, Wadsworth, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Bass, Boutwell, A. Leslie Burns, Chretien, Cid, Cowenhoven, Cox, Daigle, William Desrosiers, Paul Dionne, Domaingue, Donovan, Drolet, Dube, Dykstra, Clyde Eaton, Fields, Nancy Ford, Granger, Grip, Marian Harrington, Healy, Holden, Humphrey, Cornelius Keane, Keefe, Alice Knight, Leclerc, Levesque, Magee, Mason, McRae, Messier, Morrisette, Robert Murphy, Packard, Pappas, Paquette, Pariseau, Perham, Prestipino, Herbert Richardson, Ellen-Ann

Robinson, Rodgers, Routhier, Shriver, Steiner, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Vanderlosk, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Laurent Boucher, James Chandler, Gross, Hayes, Hess, C. William Johnson, Kidder, Lockwood, Manus, Millard, Nichols, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Gerald Smith, Stio and Whittemore.

ROCKINGHAM: Gordon Arnold, Barnes, Benton, Blaisdell, Blanchard, William Boucher, Buco, Eunice Campbell, Carpenito, Lawrence A. Chase, Jr., Conroy, Cooke, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Elizabeth Greene, Haynes, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Mace, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Parr, Ritzo, Sanderson, Schmidtchen, Schwaner, Scott, Seward, Skinner, Sochalski, Tilton, Tufts, Vartanian, Warburton, Welch, Woodward and Wright.

STRAFFORD: Appleby, Bernard, Callaghan, Casey, Chamberlin, Albert Dionne, Patricia Foss, Frechette, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Lussier, Martling, Musler, Swope, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Brodeur, Cutting, Domini, Flint, Krueger, Lindblade, McKee, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Rep. Densmore notified the Clerk that he wished to be recorded in favor of the Substitute motion, Ought to Pass.

Question now being on the report of the Majority, Inexpedient to Legislate.

Resolution adopted.

Rep. Lown notified the Clerk that she wished to be recorded in favor of the Majority report, Inexpedient to Legislate.

#### RECONSIDERATION

Rep. Sochalski moved that the House reconsider its action whereby it concurred with the Senate amendment to HB 435, creating a committee to study head injuries in New Hampshire and relative to health care for the indigent.

Adopted.

Rep. Sochalski moved that the House nonconcur with the Senate amendment to HB 435, creating a committee to study head injuries in New Hampshire and relative to health care for the indigent, and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sochalski, Pappas, Fraser and Zis.

#### COMMITTEE REPORTS (cont.)

SB 40-FN-A, relative to catastrophic aid, and making an appropriation therefor. (A) Ought to Pass with Amendment.

The Committee amended this bill to delete the appropriation of \$1.00. Catastrophic aid to special education if fully-funded in HB 300. The Committee supports the Education Committee's position relative to special education accountability and cost-containment measures included in this bill. Vote 16-4. Rep. Ellen-Ann Robinson for Appropriations.



## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to catastrophic aid.

Amend the bill by deleting section 1, and renumbering sections 2-9 to read as 1, 2, 3, 4, 5, 6, 7, and 8, respectively.

## AMENDED ANALYSIS

The bill, as amended, requires that any individual education plan (IEP) with a residential placement and education costs exceeding \$20,000 must be approved by the department of education's special education bureau. If the IEP is not approved, the bureau must develop an alternative one.

Rates for private providers of special education services shall be established by the office of administration in the department of education in consultation with the department of health and human services and the department of administrative services.

The commissioner of education must study and propose legislation relative to the participation of sending school districts in the creation of regional programs for special education students.

The amendment also corrects the minimum mandatory age for special education from 6 years to 3 years.

The bill also requires the special education bureau to review any school district where 10 percent or more of the pupils are classified as educationally handicapped.

Amendment adopted.

Ordered to third reading.

SB 78-FN-A, relative to benefits for a spouse upon the death of a retired group II member. (A) Ought to Pass.

This bill provides Group II retirees who retire on or after April 1, 1987 a 50% annuity to a surviving spouse. This is an automatic entitlement and is in addition to any other payments made by the New Hampshire Retirement System to a participant's survivors or estate. It also provides a \$3,600 lump sum payment to a designated beneficiary. Vote 17-2. Rep. John B. Hammond for Appropriations.

Ordered to third reading.

SB 86-FN-A, relative to a memorial for Governor Sherman Adams. (A) Ought to Pass with Amendment.

The amendment appropriates \$5,000 and sets the location of a memorial in recognition of Governor Sherman Adams' contribution to New Hampshire during his lifetime. Vote 15-5. Rep. Paul I. LaMott for Appropriations.

## Amendment

Amend the bill by replacing section 1 with the following:

1 Supplemental Appropriation; Memorial. In addition to any other sums appropriated or donated to the department of administrative services, the sum of \$5,000 is hereby appropriated for the fiscal year ending June 30, 1988, to provide funds with which the commissioner of administrative services shall purchase and install in Mount Washington State Park a



suitable memorial in memory of Governor Sherman Adams. The Mount Washington commission shall determine what the memorial shall be, and where such memorial shall be installed. The commissioner of administrative services is authorized to accept, from any source, donations to be used for such memorial. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

#### AMENDED ANALYSIS

This bill, as amended, appropriates \$5,000 to the department of administrative services for the purchase and installation of a memorial to Governor Sherman Adams.

Amendment adopted.

Ordered to third reading.

SB 130-FN-A, relative to the trust fund for the prevention of child abuse and neglect, and making an appropriation therefor. (A) Ought to Pass with Amendment.

The Committee amendments strengthen the bill and assure legislative oversight of the Children's Trust Fund. The amendments also strike the appropriation for fundraising costs and the appropriation of a second \$500,000 to the Trust Fund. Vote 13-6. Rep. Elizabeth Hager for Appropriations.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the trust fund for the prevention of child abuse and neglect.

Amend the bill by replacing all after section 3 with the following:

4 Trust Fund. RSA 169-C:39-c, I is repealed and reenacted to read as follows:

I. There is hereby established in the New Hampshire Charitable Fund a special fund to be known as the trust fund for the prevention of child abuse and neglect. The sole purpose of the fund shall be to make regular payments of interest as defined in RSA 169-C:39-b, VI to the New Hampshire child abuse trust fund board for programs as defined in RSA 169-C:39-b, IV, and said moneys shall not be available for any other purpose. The trust fund established in this paragraph shall be held and administered as a component fund of the New Hampshire Charitable Fund, subject to its articles of agreement and bylaws, except that no change in the purpose of the fund as stated in the preceding sentence shall be made without an amendment to this chapter. The New Hampshire Charitable Fund shall provide an annual accounting of the trust fund to the board. The board shall have the responsibility of soliciting moneys from sources other than the general fund, including federal moneys. The board shall deposit any moneys received as a result of solicitation into the trust fund for the prevention of child abuse and neglect. The board may request that the New Hampshire Charitable Fund assist them or their designee in connection with the solicitation of moneys from sources other than the general fund. The New Hampshire Charitable Fund shall be entitled to make an administrative charge against the trust fund for the prevention of child abuse and neglect for investment services and administrative services in an amount comparable to that charged to other funds

administered by the New Hampshire Charitable Fund, subject to negotiation between the New Hampshire Charitable Fund and the board. Such administrative charge shall be in addition to the administrative expenses payable under RSA 169-C:39-c, IV.

5 Duties of the Board. Amend the introductory paragraph of RSA 169-C:39-e and RSA 169-C:39-e, 1 to read as follows:

169-C:39-e Duties of the Board. In addition to the duties outlined in RSA 169-C:39-c, the board shall have the following duties:

1. [With the assistance of the attorney general,] Administer the grant program established by this subdivision.

6 Annual Accounting of Fund. Amend RSA 169-C:39-e, V to read as follows:

V. Report annually on the effectiveness of the grant program and provide an annual accounting of the fund to the speaker of the house, the senate president, and the governor.

7 Rulemaking. Amend the introductory paragraph of RSA 169-C:39-h to read as follows:

169-C:39-h [Guidelines] Rulemaking. The [attorney general] board [, in consultation with the division for children and youth services and the board of trustees,] shall [develop guidelines] adopt rules under RSA 541-A relative to:

8 Successor New Hampshire Charitable Fund. Amend RSA 169-C by inserting after section 39-h the following new section:

169-C:39-i Successor or Replacement of New Hampshire Charitable Fund. References in this subdivision to the New Hampshire Charitable Fund shall include any successor to such fund. The New Hampshire Charitable Fund may resign from the obligations imposed on it under this subdivision by paying over all funds held by it under this subdivision to the state treasurer, together with an accounting thereof. Upon such payment, the New Hampshire Charitable Fund shall be relieved of all further obligations with respect to the trust fund for the prevention of child abuse and neglect.

9 Extension of Time. Amend 1986, 184:2, I(a) to read as follows:

(a) The sum of \$500,000 to the trust fund reserve account established in RSA 169-C:39-c, II. These funds shall not lapse [for a period of 3 years after the effective date of the act,] until July 1, 1992, at which time the moneys remaining in the trust fund reserve account shall lapse to the general fund, RSA 169-C:39-c, II notwithstanding.

10 Disbursement Plan. The New Hampshire child abuse trust fund board established in RSA 169-C:39-d shall develop a plan for disbursement of trust fund moneys. Before implementing the plan, the board shall submit the plan by December 1, 1988, to the governor and council for approval, after receiving the prior approval of the fiscal committee.

11 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill renames the children's trust fund as the trust fund for the prevention of child abuse and neglect, and places the fund in the New Hampshire Charitable Fund.

The bill as amended requires negotiation between the board and the New Hampshire Charitable Fund to set the amount of administrative charge.

The bill as amended requires an annual accounting of the fund and gives the board rulemaking authority to administer the fund.

The bill transfers most of the attorney general's fund-related duties to the board itself.

The board is required to develop a disbursement plan for the fund, and submit the plan to the fiscal committee and governor and council for approval.

The bill extends the lapse date for the \$500,000 appropriated to the trust fund reserve account to July 1, 1992.

Amendment adopted.

Ordered to third reading.

SB 148, relative to procedures for distribution of certain federal funds allocated to the state. Ought to Pass.

To date the executive branch, without legislative oversight, has determined how over \$13 million of oil overcharge funds will be spent. With this legislation future similar funds will be subject to the same legislative scrutiny given block grants. Vote 11-3. Rep. Elizabeth Hager for Appropriations.

Ordered to third reading.

SB 212-FN-A, increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor. (A) Ought to Pass with Amendment.

The amendment added Exeter, Manchester secondary and Monroe. It also names the 14 priority projects in the Clean Water Act appropriation. Vote 18-0. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend RSA 149-B:1, II as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding the provisions of paragraph I, the state of New Hampshire shall make a grant to the respective communities for the following specific projects which are enumerated in this paragraph, but without any implied order of priority, in an amount that, subsequent to the application of all available federal funds and the 5 percent local share of each said project, shall provide funds to pay for all interest costs incurred by issuance of bond anticipation notes and upon completion of said project, shall provide funds which are equivalent to the annual amortization charges, meaning principal and interest, on the remaining portion of the eligible costs resulting from the acquisition and construction of said sewage disposal facilities:

- (a) Berlin;
- (b) Dover (secondary treatment facility, pump station, and force main);
- (c) Exeter secondary treatment facility;
- (d) Goffstown contracts 1C and 3A;
- (e) Littleton secondary treatment facility;
- (f) Manchester (west interceptor north II, piscataquog river interceptor, northeast interceptor, west interceptor south);
- (g) Manchester secondary treatment facility expansion;
- (h) Monroe secondary treatment facility;
- (i) Nashua secondary treatment facility;
- (j) Newport secondary treatment facility;
- (k) Plymouth secondary treatment facility;
- (l) Portsmouth expansion of primary treatment facility;
- (m) Walpole village interceptor sewers;
- (n) Winchester Ashuelot village interceptor.

Amendment adopted.

Ordered to third reading.

SB 219-FN-A, relative to a state operated multiple DWI offender minimum security detention center and making an appropriation therefor.  
(A) Ought to Pass with Amendment.

This bill modifies the penalty for second offense DWI by requiring a 3-day jail sentence followed by attendance at a 7-day alcohol intervention/detention program. The amendment eliminates the mandatory 1-year probation and makes it discretionary. Additionally, provision is made for more extensive legislative oversight of the program. The appropriation is reduced to \$1, pending more information on available funds. Vote 11-4. Rep. Donna P. Sytek for Appropriations.

#### Amendment

Amend RSA 265:82-b, I(b), (1) and (2) as inserted by section 1 of the bill by replacing them with the following:

(b)(1) Upon conviction based upon a complaint which alleged that the person has had one or more prior convictions in this state or another state and were within the 7 years preceding the date of the second or subsequent offense, be guilty of a misdemeanor and shall be sentenced upon conviction or at the end of the defendant's appeals period to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24 hour periods shall be served in the county house of corrections and 7 consecutive 24 hour periods shall be served at the state operated multiple DWI offender intervention detention center within 21 days after conviction or at the end of the defendant's appeals period. In addition, the defendant shall be fined not more than \$1,000 which shall be paid to the clerk of court. In such circumstances where the multiple DWI offender intervention detention center has no available space, he shall be assigned the first available space.

(2) Pay, in addition to the requirements of subparagraph I(b)(1), a fee to the director of the office of alcohol and drug abuse prevention, as established by the director under RSA 172-B:2-b, for the costs of the state operated multiple DWI offender intervention detention center program. A defendant who fails to complete the program shall be in contempt of court and shall serve a minimum of 30 days in the county house of corrections. The multiple DWI offender intervention detention center shall be administered and operated by the office of alcohol and drug abuse prevention pursuant to the provisions of RSA 172-B:2-b. The state operated multiple DWI offender intervention detention center program shall furnish to the courts and to the division of motor vehicles, department of safety, a report indicating when the defendant has successfully completed the program. Included in that report shall be any recommendations for further treatment or involvement in Alcoholics Anonymous when appropriate and warranted. The court, upon receipt of such report, may after a hearing order the defendant to follow the treatment recommendations at a court-approved treatment facility. The state operated multiple DWI offender intervention detention center program shall also submit an annual report on or before January 1 of each year to the speaker of the house of representatives and the president of the senate.

Amend the bill by replacing all after section 3 with the following:

4 New Section; Multiple DWI Intervention Detention Center Program.  
Amend RSA 172-B by inserting after section 2-a the following new sections:  
172-B:2-b Multiple DWI Offender Intervention Detention Center Program.

1. The director shall be responsible for administration and operation of the 7 day multiple DWI offender intervention detention center program which persons convicted under RSA 265:82 or 82-a may be required to attend under the provisions of RSA 265:82-b.

II. The fees for confinement and intervention costs collected shall be deposited in a special account in the office of the state treasurer and utilized as provided in RSA 172-B:2-c.

III. The director shall adopt rules, pursuant to RSA 541-A, relative to the operation of the multiple DWI offender intervention detention center program with respect to:

(a) Program curriculum and content.

(b) The fee to be paid by each client as provided in paragraph II and in RSA 265:82-b, I(b)(2). Such fees shall be sufficient to make the program self-supporting, exclusive of start-up costs.

(c) Bed availability schedules.

(d) Any other matter related to the proper administration of this section.

172-B:2-c Utilization of Funds. All funds derived from the fees collected by the director under RSA 265:82-b, I(b)(2), shall be paid over to the state treasurer within 10 days of the subsequent month, or at an earlier date, for deposit into a separate account in the treasury known as the multiple DWI offender intervention detention center program account. These funds are appropriated as indicated in the operating budget as a source of funds for the multiple DWI offender intervention detention center program. Any funds remaining in the account over the appropriation indicated in the operating budget shall lapse into the general fund at the end of each fiscal year.

5 PAU Established. There is established a PAU for the multiple DWI offender intervention detention center program in the office of alcohol and drug abuse prevention.

6 Appropriation. The sum of \$1 is hereby appropriated to the office of alcohol and drug abuse prevention for the fiscal year ending June 30, 1988. This appropriation shall be nonlapsing and shall cover the costs of the first year operation of the multiple DWI offender intervention detention center program which, after its first year of operation, shall be self-supporting. This appropriation is in addition to any other funds appropriated to the office of alcohol and drug abuse prevention. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date.

I. Sections 1 and 2 of this act shall take effect when the commissioner of administrative services certifies that the renovations of Spaulding Hall at the Laconia state school for an alcohol and drug treatment facility are complete.

II. The remainder of this act shall take effect July 1, 1987.

#### AMENDED ANALYSIS

This bill, as amended, provides for certain DWI treatment programs which will be required for multiple DWI offenders. The bill establishes a multiple DWI offender intervention detention center program to be administered and operated by the office of alcohol and drug abuse prevention. The sum of \$1 is appropriated from the general fund for the operation of this program. After the first year of operation, the program shall be self-supporting, funded by fees to be collected from clients.

The multiple DWI offender intervention detention center program shall not become operational until certain renovations to Spaulding Hall at the Laconia state school, where the program will be located, have been completed.



This bill, as amended, clarifies the language of the law on driving after revocation or suspension without actually changing the substance of that law.

Amendment adopted.

Ordered to third reading.

SB 41, relative to unclassified state employees. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: Many concerns regarding limiting the choices of the best qualified people, residency without relocation cost, and the potential loss of Federal funds were not resolved causing the majority to vote Inexpedient to Legislate. Vote 7-6. Rep. Ann M. Torr for the Majority of Executive Departments and Administration.

MINORITY: Those who make policy for the State ought to be residents of the State. Technical staff who are classified employees would not be affected by this bill. Rep. Scott E. Green for the Minority of Executive Departments and Administration.

Rep. Scott Green moved that SB 41 be made a Special Order for May 7 at 2:00 p.m. and spoke to his motion.

Motion adopted.

SB 153-FN, relative to planning for the long-range energy requirements of the state. Ought to Pass with Amendment.

This bill, as amended, establishes a committee to study the state's electrical energy needs for the next 30 years. The Committee has 4 voting members from the House and from the Senate. There are also ex officio non-voting members representing executive branch agencies and interested private sector organizations. A final report is to be completed by December 1, 1987. The amended bill includes no appropriations. Vote 9-0. Rep. Douglas E. Hall for Science, Technology and Energy.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to planning for the long-range electrical energy requirements of the state.

Amend the bill by replacing section 1 with the following:

1 Long-Range Electrical Energy Planning; Study Committee Established. There is established a study committee to be known as the state electrical energy needs planning committee.

I. The voting members of the committee shall be:

(a) Four members of the house of representatives, appointed by the speaker of the house, who shall not all be of the same political party.

(b) Four members of the senate, appointed by the president of the senate, who shall not all be of the same political party.

II. The ex-officio members of the committee shall be:

(a) The chairman of the public utilities commission or his designee.

(b) The consumer advocate or his designee.

(c) The director of the governor's energy office or his designee.

(d) Two representatives of the electric utilities of the state, appointed by the governor and council.



(e) Two representatives of owners and operators of alternative electric energy producers of the state, appointed by the governor and council.

(f) Two members of organizations representing environmental and conservation interests of the state, appointed by the governor and council.

(g) A representative of the business and commercial sector, appointed by the governor and council.

(h) Ex-officio members from within or without the state, as requested by at least 5 of the voting committee members listed under paragraph I, who shall be recognized experts in various fields of electrical energy production, planning, finance or conservation.

Amend sections 3 and 4 of the bill by replacing them with the following:

3 Duties; Report. The committee shall:

I. Study the possible electrical energy needs of the state for the next 30 years, and various alternatives for meeting those needs. The committee may hold public hearings, take written or oral presentations from interested persons, and review books, reports, and other materials deemed pertinent to the purposes of the committee.

II. Report to the governor and council, the speaker of the house, and the president of the senate on the committee's recommendations to meet the state's electrical energy needs for the next 30 years. The report shall be submitted no later than December 1, 1988.

4 Assistance. The state electrical energy needs planning committee may require the assistance of any state department, commission, board, agency, or institution in its study and such departments, commissions, boards, agencies, and institutions shall assist the committee whenever it so requests.

Amend the bill by replacing all after section 5 with the following:

6 Committee Appointments; Initial Meeting. All members of the state electrical energy needs planning committee established by section 1 of this act shall be appointed, and an initial meeting of the committee shall be held, not later than 60 days following the effective date of this act.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill, as amended, establishes a committee to study the state's long-range electrical energy needs and alternative options for meeting those needs. The committee includes 4 members of the house of representatives who are not all to be of the same political party, and 4 members of the senate who are not all to be of the same political party as voting members, and the chairman of the public utilities commission or his designee, the consumer advocate or his designee, the director of the governor's energy office or his designee, and representatives of the state's electric utilities, alternative energy producers, conservation and environmental organizations, and business and commercial interests as ex-officio members. The bill authorizes the voting members of the committee to select ex-officio members from in or out of state who are recognized as experts on various fields of electrical energy production and conservation.

The bill requires that all members of the committee be appointed, and an initial meeting held, not later than 60 days after passage of the act.

The committee is to submit a report by December 1, 1988, to the governor and council, the speaker of the house of representatives, and the president of the senate.

Amendment adopted.

Ordered to third reading.

SB 106, relative to the responsibilities of the commissioner of safety. Ought to Pass with Amendment.

This bill is a housekeeping measure to correct the inadvertent omissions in HB 526 (Department of Safety). Vote 15-0. Rep. Ann M. Torr for Executive Departments and Administration.

Rep. McCain moved that SB 106 be made a Special Order for May 7 at 1:30 p.m. and spoke to his motion.

Adopted.

SB 64, legalizing the New London - Springfield water system precinct meeting of March 18, 1986. Ought to Pass with Amendment.

This is an omnibus action legalizing town/precinct meetings. Vote 15-0. Rep. Richard A. Grodin for Municipal and County Government.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

legalizing all votes pertaining to bond or note issues taken at the New London - Springfield water system precinct meeting of March 18, 1986, and, relative to the legalization and ratification of actions taken at certain town meetings.

Amend the bill by replacing all after the enacting clause with the following:

1 New London-Springfield Water System Precinct Meeting. All acts, votes, or proceedings pertaining to votes on bond or note issues of the New London-Springfield water system precinct meeting held on March 18, 1986, are hereby legalized, ratified, and confirmed.

2 Town of Barnstead; Radioactive Waste; Restrictions on Storage and Disposal. All acts, votes, and proceedings of the Barnstead annual town meeting held on March 14, 1987, relative to prohibiting both the storage and the disposal of low level radioactive waste in the town of Barnstead unless and until the proposed site of the proposed storage or disposal has been approved by the voters of the town at the annual town meeting by written ballot, are hereby legalized, ratified and confirmed.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill legalizes all actions taken at the New London-Springfield water system precinct meeting held on March 18, 1986.

This bill, as amended, ratifies all actions taken at the Barnstead annual town meeting held on March 14, 1987, relative to restricting both the storage and the disposal of low level radioactive waste in the town of Barnstead.

Amendment adopted.

Rep. Ezra Mann moved that further consideration of SB 64 be made a Special Order for May 7 at 1:31 p.m. and spoke to his motion.

Adopted.

Rep. Elizabeth Greene moved that SB 201, relative to boat speeds on public waters and making an appropriation therefor, be removed from the table.

A roll call was requested. Sufficiently seconded.

YEAS 151 NAYS 178  
YEAS 151

BELKNAP: Bowler, Richard Campbell, Dexter, Golden, Maviglio, Randall and Wixson.

CARROLL: Allard, Russell Chase, Robert Holmes, Kenneth MacDonald, McIntire and Schofield.

CHESHIRE: Cole, Jesse Davis, Doucette, Hunt, Miller, Ramsay and William Riley.

COOS: Marsh.

GRAFTON: Arnesen, Bean, Bennett, Blair, Copenhagen, Dearborn, Driscoll, Hammond, Wayne King, Ezra Mann, McAvoy, Rounds, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Baldizar, Bass, Lionel Boucher, Boutwell, A. Leslie Burns, Cid, Cowenhoven, Cox, Daigle, Domaingue, Dube, Joseph M. Eaton, Nancy Ford, Betty Hall, Marian Harrington, Holden, Humphrey, Keefe, Donna Kelly, Korcoulis, Lown, Mason, Messier, Robert Murphy, Nixon, Pappas, Pignatelli, Herbert Richardson, Ellen-Ann Robinson, Leonard Smith, Vanderlosk, Watson, Kenneth Wheeler and Zis.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, James Chandler, Fillion, Gross, Hager, Hayes, Hess, Alf Jacobson, C. William Johnson, Kidder, Lewis, Lockwood, Merton Mann, Manus, Millard, Pantzer, Provencal, Rehlander, Tupper, Wallner and Whittemore.

ROCKINGHAM: Gordon Arnold, Barnes, Benton, Blanchard, Blanchette, Butler, Eunice Campbell, Marilyn Campbell, Lawrence A. Chase, Jr., Conroy, Cooke, Thomas Gage, Elizabeth Greene, Hoar, Hollingworth, Joyce, Lovejoy, Mace, William F. McCain, Pevear, Popov, Read, Ritzo, Sanderson, Scott, Sherburne, Skinner, Sytek, Tufts, Vaughn, Warburton, Welch, Woodward and Wright.

STRAFFORD: Bates, Chamberlin, Patricia Foss, Robert Jones, Sandra Keans, Martling, William McCann, Parks, Pelley, Proulx, Spear, Swope, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Domini, Ingram, Krueger, Schotanus, Spaulding and Sara Townsend.

NAYS 178

BELKNAP: Hardy, Malcolm Harrington, Holbrook, Jensen, Locke, Pearson, Lawrence Richardson, Thurston and Turner.

CARROLL: Hounsell, Powers and Saunders.

CHESHIRE: Blacketor, Clark, Daschbach, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, LaMar, Matson, Morse, Parker, Pierce, Sawyer and Schwartz.

COOS: Harold Burns, Coulombe, Frederic Foss, Guay, Horton, Lemire, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Chambers, Christy, Densmore, Lougee and Scanlan.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Bourque, Burkush, Champagne, Chretien, Cusson, Ann Derosier, William Desrosiers, William Dion, Paul Dionne, Donovan, Drolet, Dwyer, Dykstra, Clyde Eaton, Fields, Frank, Gagnon, Gelinas, Genest, Granger, Scott Green, Grip, Guilbert, Healy, Chris Jacobson, Cornelius Keane, Leclerc, Lefebvre, Levesque, Long, Magee, McRae, Morrisette, Mulligan, Packard, Paquette, Pariseau, Perham, Prestipino, Reardon, Reidy, Rodgers, Routhier, Shriver, Soucy, Steiner, Stiles, Stonner, Sullivan, Tarpley, Turgeon, Ware, Emma Wheeler, Winn and Zajdel.

MERRIMACK: Asplund, Austin, Laurent Boucher, Gilbreth, George E. Gordon, Burton Knight, Nichols, Phelps, Philbrick, Doris Riley, Gerald Smith and Stio.

ROCKINGHAM: Blaisdell, William Boucher, Bucu, Carpenito, Cressy, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Gourdeau, Haynes, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Magoon, Malcolm, McGovern, McKinney, Newell, Palumbo, Parr, Rosencrantz, Schmidtchen, Schwaner, Seward, Tilton, Vartanian, Walker, Weddle and Wells.

STRAFFORD: Appleby, Bernard, Callaghan, Casey, Albert Dionne, Anita Flynn, Edward Flynn, Frechette, Jean, Kincaid, Kinney, Koromilas, Laurion, Lussier, McManus, Musler and Ann Torr.

SULLIVAN: Behrens, Brodeur, Cutting, Flint, Lindblade, McKee, Normandin, Peyron and Rodeschin, and the motion lost.

#### SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 90, relative to membership on the New Hampshire automated information systems board. (Amendment printed SJ 4/30)  
Rep. Parker moved that the House concur and yielded to questions.  
Adopted.

HB 319-FN-A, establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers and making an appropriation for the alcohol and drug abuse prevention committee. (Amendment printed SJ 4/30)

Rep. Robert Jones moved that the House concur and yielded to questions.

A division was requested.

202 members having voted in the affirmative and 108 in the negative the motion was adopted.

HB 402, relative to habitual offenders. (Amendment printed SJ 4/28)

Rep. Irvin Gordon moved that the House concur.  
Adopted.

HB 439, relative to child passenger restraints. (Amendment printed SJ 4/23)

Rep. Irvin Gordon moved that the House concur.  
Adopted.

HB 492, relative to motor vehicle certificates of origin, joint ownership, and fraud. (Amendment printed SJ 4/23)

Rep. Irvin Gordon moved that the House concur.  
Adopted.

HB 703-FN, relative to the board of auctioneers. (Amendment printed SJ 4/14)

Rep. McCain moved that the House concur.

Adopted.

Rep. Guay abstained from voting under Rule 16.

HB 666-FN, relative to medical insurance payments for incarcerated persons. (Amendment printed SJ 4/23)

Rep. Christy moved that the House concur.

Adopted.

HB 723-FN, relative to licensing nondepository first mortgage bankers and brokers and relative to second mortgage home loans. (Amendment printed SJ 4/30)

Rep. Christy moved that the House concur.

Adopted.

HB 608-FN, relative to pooled risk management programs. (Amendment printed SJ 4/28)

Rep. Christy moved that the House concur.

Adopted.

HB 613-FN, relating to security deposits of insurance companies. (Amendment printed SJ 4/28)

Rep. Christy moved that the House concur.

Adopted.

HB 22, relative to methods of hunting and possession of deer and moose and illegal night hunting. (Amendment printed SJ 4/28)

Rep. Gerald Smith moved that the House concur.

Adopted.

HB 91-FN-A, establishing a state liquor store in the town of Londonderry and making an appropriation therefor. (Amendment printed SJ 4/30)

Rep. Phelps moved that the House concur.

Adopted.

HB 124-FN, relative to sunset review of the real estate commission. (Amendment printed SJ 4/28)

Rep. McCain moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Kenneth MacDonald, Nancy Ford and Pelley.

HB 156-FN, relative to sunset review of nurses registration board. (Amendment printed SJ 4/23)

Rep. McCain moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, McCain, Ann Torr and Lachance.

HB 220-FN, relative to the removal of petroleum powered vehicles from surface waters of the state. (Amendment printed SJ 4.23)

Rep. Lewis moved that the House concur.

Adopted.

HB 421, permitting the appointment of alternate members to conservation commissions, and clarifying the authority of conservation

commissions to spend funds appropriated to them. (Amendment printed SJ 4/28)

Rep. Lewis moved that the House concur.  
Adopted.

HB 540-FN, relative to bingo and lucky 7 licenses. (Amendment printed SJ 4/30)

Rep. Phelps moved that the House concur and yielded to questions.  
Adopted.

HB 238-FN-A, relative to establishing a memorial to Christa McAuliffe and making an appropriation therefor. (Amendment printed SJ 4/28)

Rep. Hager moved that the House concur.  
Adopted.

HCR 3, relative to accidents involving nuclear power plants.  
(Amendment printed SJ 4/23)

Rep. Randall moved that the House concur.  
Adopted.

HB 589-FN, relative to adjusted elderly exemptions. (Amendment printed SJ 4/28)

Rep. Ezra Mann moved that the House concur.  
Adopted.

HB 348-FN-A, relative to the division for children and youth services and appropriating funds for certain employee benefits. (Amendment printed SJ 4.30)

Rep. Robert Jones moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Robert Jones, Emma Wheeler, Bean and Wallner.

HB 440, relative to intrastate motor carriers. (Amendment printed SJ 4/23)

Rep. Irvin Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Haynes, John Flanders, Burton Knight and Malcolm.

HB 66-FN, reviving the charters of Camp Tecumeseh and the Webster Lake Association. (Amendment printed SJ 4/21)

Rep. Joseph Eaton moved that the House concur.  
Adopted.

HB 597-FN, relative to the residency requirement for the elderly, expanded elderly, and adjusted elderly property tax exemptions.  
(Amendment printed SJ 4/30)

Rep. Ezra Mann moved that the House concur.  
Adopted.

HB 718, clarifying certain planning and zoning statutes. (Amendment printed 4/30)

Rep. Ezra Mann moved that the House concur.  
Adopted.

HB 595, changing the time and place for holding the first meeting of the county convention. (Amendment printed SJ 4/30)



Rep. Ezra Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Normandin, Adams, Roger King and Dykstra.

HB 175-FN, relative to sunset review of standard bred breeders and owners development agency. (Amendment printed SJ 4/30)

Rep. Elizabeth Greene moved that the House nonconcur.

Adopted.

HB 200-A, making appropriations for capital improvements. (Amendment printed SJ 5/5)

Rep. Pearson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Marsh, Pearson, LaMott and Matson.

HB 100-A, making appropriations for capital improvements. (Amendment printed SJ 5/5)

Rep. Pearson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Marsh, Pearson, LaMott and Matson.

HB 300-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989. (Amendment printed SJ 5/5)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Scamman, Kidder, Gross, Hager and Ramsay.

Reps. Drolet and Mason offered the following:

#### HOUSE RESOLUTION NO. 43

commending the girls' varsity basketball team of  
Wilton-Lyndeborough High School.

WHEREAS, the girls' varsity basketball team of Wilton-Lyndeborough High School, in March of 1987, defeated Groveton High School, 33-29 to win the Class S State Championship, and

WHEREAS, in order to gain the finals of the 1987 State Girls' Basketball Tournament, the team from Wilton-Lyndeborough first had to defeat Derryfield in the quarterfinals, and then Colebrook in the semi-finals, and

WHEREAS, the victory in the championship round gave Wilton-Lyndeborough an undefeated season, boosting the team's record to twenty-one consecutive wins against no losses, and

WHEREAS, the 1987 championship team was led by senior Co-Captains Staci Broderick and Kristin Vander-Heyden, and capably guided by Head Coach Diane Doran and Assistant Coach Kathy Lewis, and

WHEREAS, the girls' varsity basketball team of Wilton-Lyndeborough High School had a strong offense and stronger defensive during the 1987 championship season, averaging fifty-four points per game while allowing only an average of thirty points per game, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the girls' varsity basketball team of Wilton-Lyndeborough High School be publicly recognized and applauded on winning the 1987 Class S State title, and be it further

RESOLVED, that the players and coaches receive highest praise for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Wilton-Lyndeborough High School.

Unanimously adopted.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 7 at 11:00 a.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

SB 6-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor.

SB 10-A, permitting state participation in a Clean Water Act State Revolving Loan Fund.

SB 63-FN-A, acquiring land on the Connecticut River and making an appropriation therefor.

SB 75-A, authorizing the study of the feasibility of reconstructing U.S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor.

SB 107-FN-A, relative to the New Hampshire state airport system plan and making an appropriation therefor.

SB 125-FN, to appropriate funds for ocean disposal of Rye Harbor dredge material.

SB 128-A, authorizing the construction of a Keene bypass extension and making an appropriation therefor.

SB 134-FN-A, to commission a study of an environmental risk insurance fund and making an appropriation therefor.

SB 145-FN, relative to study of the state classification system and making an appropriation therefor and directing the facilities committee to conduct a study of salaries for unclassified state employees and making an appropriation therefor.

SB 161-FN, relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor.

SB 174-FN, establishing a committee to study retirement system benefits.

SB 175-FN, providing a cost of living increase for New Hampshire retirement system and teachers retirement system members.

SB 180-FN-A, relative to restoring the original state house and making an appropriation therefor.

SB 187-FN-A, relative to the Weeks traffic circle.

SB 200-FN, permitting group II state employee members who reach age 60 to make an election for retirement benefits.

SB 1-A, establishing the New Hampshire land conservation investment program and making an appropriation therefor.

SB 40-FN-A, relative to catastrophic aid, and making an appropriation therefor.

SB 78-FN-A, relative to benefits for a spouse upon the death of a retired group II member.

SB 86-FN-A, relative to a memorial for Governor Sherman Adams.

SB 130-FN-A, relative to the trust fund for the prevention of child abuse and neglect, and making an appropriation therefor.

SB 148, relative to procedures for distribution of certain federal funds allocated to the state.

SB 212-FN-A, increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor.

SB 219-FN-A, relative to a state operated multiple DWI offender minimum security detention center and making an appropriation therefor.

SB 153-FN, relative to planning for the long-range energy requirements of the state.

Rep. Palumbo moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 3:40 p.m.

RECESS

CONFERE CHANGE

HB 145 - Rep. Sanderson replaces Rep. Gosselin

(Speaker in the Chair)

ENROLLED BILL REPORT

SB 43, relative to regional banking.

Rep. Elizabeth Hager  
For the Committee.

RECESS

(Deputy Speaker Burns in the Chair)

Rep. Phelps moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 24

*Thursday, 7 May 87*

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Burns.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Gracious God, we are anxious as we gather today. Some of us come prepared to do battle. Some are weary from long hours of pondering and preparing. We know that whatever the outcome of our labors, the wounds will be deep and not easily ignored.

O Spirit of Justice and of Mercy, grant us the grace to speak with reason and with compassion. Forgive us if we are tempted to use words as weapons, or to score victories with our rhetoric.

We ask Your presence, that we may honor one another and those whom we are elected to serve. And at the end of this day, as the shadows of evening lengthen, let us reflect upon what we have said and done, and grant that we may rest, but not too soundly. Amen.

Rep. Robert Johnson led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Dingle, Yeaton, Nagel, Boisvert, Lussier, Robert Kelley and George Gordon, the day, illness.

Reps. James Chandler, Parr, Brown, Michael Jones, Perry, Baker, Foster, West, Wagner, Wood, Fillion, Simon, Gerald Smith, Douglas Hall, Wixson and Miller, the day, important business.

Rep. Buco, the day, death in the family.

Reps. Joseph MacDonald and Gosselin, the day, illness in the family.

## INTRODUCTION OF GUESTS

Ben Pignatelli son of Rep. Pignatelli; Donald LeBrun, guest of Rep. Krueger; Lucille Nolan, guest of Rep. Kilbride; Frances Barnes, Mr. and Mrs. Dwight Barnes, Derrick-Curtis and Jason Stanley Barnes, Mr. and Mrs. Warren Barnes and Jenifer Barnes, the family of Rep. Barnes.

The Deputy Speaker introduced former Governor Lane Dwinell.

## SENATE MESSAGES CONCURRENCE

HB 659-FN, relative to payment of court appointed counsel and court costs in certain cases and making an appropriation therefor.

HB 216-FN, making an appropriation for the driver training program.

HB 624, relative to survivors' benefits of New Hampshire permanent firemen's retirement system members receiving disability retirement benefits.

HB 658-FN, relative to the nursing scholarship program and private trade schools.

HB 630-FN, relative to the reduction in benefits for group I members of the New Hampshire retirement system who retire before age 60.

HB 696-FN, relative to interest payment calculations under the New Hampshire retirement system and making an appropriation therefor.

HB 651-FN, relative to compensation of district court justices and special justices.

HB 576-FN, relative to workers' compensation lump sum payments and state retirement benefits.

HB 338-FN-A, relative to the senior companions and foster grandparents programs and making an appropriation therefor.

HB 376-FN-A, relative to Alzheimer's disease and related disorders and making an appropriation therefor.

HB 347-FN-A, relative to the dental hygienist program at the New Hampshire technical institute and making an appropriation therefor.

HB 458-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes and regulations.

HB 552-FN, relative to deputy sheriffs and making an appropriation therefor.

HB 263-FN-A, establishing the arts development program and making an appropriation therefor.

HB 273-FN-A, relative to congregate services program and making an appropriation therefor.

#### NONCONCURRENCE

HB 217-FN, relative to nursing home care costs paid by counties.

HB 466-FN, prohibiting any town or school district from holding an election on the day state elections are held.

HB 590-FN, relative to fees charged by licensing boards and creating a bureau of professional regulation in the division of public health services.

HB 632-FN, relative to the adoption of capital improvement facility fees.

#### RE-REFERRED TO COMMITTEE

HB 354-FN-A, relative to the Franklin-Laconia connector and making an appropriation therefor.

#### NONCONCURRENCE WITH AMENDMENT

SB 149, to prohibit regulations which exclude a municipality's fair share of multi-family housing.

#### CONCURRENCE WITH AMENDMENTS

CACR 21, relating to rulemaking authority. Providing that the general court may delegate regulating authority to executive branch officials, but such rules may be disapproved by the general court.

SB 80, amending the statutory speed limit on certain highways of the state.

SB 138, relative to sessions for correcting the checklist.

SB 67, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs.

SB 91, establishing a committee to evaluate the foundation aid formula.

SB 193, reinstating the charter of United Energy Systems, Inc.  
SB 51, relative to airboats, mufflers, and decibel levels of boats.  
SB 43, relative to regional banking.  
SB 21, relative to administrative inspection warrants.  
SB 155, relative to the collection of tolls on an incomplete turnpike highway system.  
SB 220, relative to redemption after a tax sale.  
SB 109, expanding the prohibition on possession of dangerous weapons by felons.  
SB 228, relative to disobeying a law enforcement officer.  
SB 56, relative to false impersonation of a law enforcement officer or investigator.

## ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 145, relative to sunset review of the New Hampshire Port authority.  
The President appointed Sens. St. Jean, Preston and Podles.  
  
HB 692, establishing an involuntary treatment task force.  
The President appointed Sens. Krasker, White and Bond.  
  
HB 177, relative to sunset review of veterinary/medical/optometric education program and amending such program.  
The President appointed Sens. Disnard, Nelson and Bond.  
  
HB 168, relative to sunset review of joint board of engineers, architects and land surveyors.  
The President appointed Sens. Dupont, Disnard and Bartlett.  
  
HB 127, relative to sunset review of the board of veterinary examiners and relative to preliminary hearings.  
The President appointed Sens. St. Jean, Podles and Preston.  
  
HB 100, making appropriations for capital improvements.  
The President appointed Sens. Torr, White and Nelson.  
  
HB 124, relative to sunset review of the real estate commission.  
The President appointed Sens. Freese, Disnard and Dupont.  
  
HB 156, relative to sunset review of nurses registration board.  
The President appointed Sens. Freese, Stephen and Delahunty.  
  
HB 200, making appropriations for capital improvements.  
The President appointed Sens. Torr, White and Nelson.  
  
HB 300, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989.  
The President appointed Sens. Bartlett, Blaisdell and Hough.  
(alternates: Sens. Dupont and St. Jean)  
  
HB 440, relative to intrastate motor carriers.  
The President appointed Sens. Hounsell, Pressly and Johnson.  
  
HB 595, changing the time and place for holding the first meeting of the county convention.  
The President appointed Sens. Pressly, Johnson and Charbonneau.

## REQUESTS CONCURRENCE WITH AMENDMENTS

HB 15, relative to the placement of candidates' names on ballots.  
(Amendment printed SJ 4/21)



Rep. Joseph Eaton moved that the House nonconcur.

Rep. Flanagan yielded to questions.

Adopted.

HB 122-FN, relative to sunset review of board of psychologists.  
(Amendment printed SJ 4/30)

Rep. McCain moved that the House concur.

Adopted.

HB 123-FN, relative to sunset review of public employee labor relations board. (Amendment printed SJ 4/21)

Rep. Nichols moved that the House concur.

Adopted.

HB 133-FN, relative to sunset review of state liquor commission - merchandising and relative to the state liquor commission. (Amendment printed SJ 5/5)

Rep. Phelps moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Phelps, Simon, McKinney and Laurion.

HB 163-FN, relative to sunset review of boxing and wrestling commission. (Amendment printed SJ 4/30)

Rep. McCain moved that the House concur.

Adopted.

HB 144-FN, relative to the sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles. (Amendment printed SJ 4/30)

Rep. Rounds moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Scanlan, Perham, William Boucher and Albert Dionne.

HB 264, relative to the composition of the court accreditation commission. (Amendment printed SJ 4.30)

Rep. Alf Jacobson moved that the House concur.

Adopted.

HB 276-FN-A, relative to the rate of the real estate transfer tax. (Amendment printed SJ 4.30)

Rep. Ward moved that the House nonconcur and request a Committee of Conference and yielded to questions.

Adopted.

The Speaker appointed Reps. Ward, Sallada, Barbara Arnold and Blacketor.

HB 379-FN, relative to public land preservation. (Amendment printed SJ 4/30)

Rep. Dickinson moved that the House concur.

Adopted.

HB 650-FN, directing the supreme court to establish a guardian ad litem compensation fund and relative to retired superior court justices. (Amendment printed SJ 4/30)

Rep. Alf Jacobson moved that the House concur.

Adopted.

HB 105-FN, relative to sunset review of the secretary of state - legislative services. (Amendment printed SJ 4/30)

Rep. McCain moved that the House concur.

Adopted.

HB 671-FN, relative to disability benefits for firefighters. (Amendment printed SJ 4/23)

Rep. Nichols moved that the House concur.

Adopted.

HB 693-FN, relative to determining membership in the New Hampshire retirement system. (Amendment printed SJ 4/30)

Rep. McCain moved that the House concur.

Adopted.

HB 701-FN, relative to the fee charged for copies of checklists. (Amendment printed SJ 4/30)

Rep. Joseph Eaton moved that the House concur.

Adopted.

HB 357-FN-A, relative to respite care in area agencies and making an appropriation therefor. (Amendment printed SJ 5/5)

Rep. Sochalski moved that the House concur.

Adopted.

HB 201-FN, relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property. (Amendment printed SJ 5/5)

Rep. Parker moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Parker, Whitcomb, Beverly Gage and Arnesen.

HB 326-FN-A, establishing homemaker services for certain persons and making an appropriation therefor. (Amendment printed SJ 5/5)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference, spoke to his motion and withdrew his motion and moved that the House concur.

Adopted.

HB 126-FN, relative to sunset review of the commission on the status of women and making certain changes relative to the commission. (Amendment printed SJ 3/26)

Rep. McCain moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Pelley, Schneiderat and McCain.

#### NONCONCURRENCE WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 83, relative to distributing political campaign literature at polling places on election day.

The President appointed Sens. Freese, Dignard and Delahunty.

Rep. Flanagan moved that the House accede.

Adopted.

The Speaker appointed Reps. Flanagan, Holden, Leclerc and Betty Hall.

## REQUESTS CONCURRENCE WITH AMENDMENTS

HB 321-FN-A, creating the Connecticut River Valley resource commission and making an appropriation therefor. (Amendment printed SJ 5/5)  
Rep. Dickinson moved that the House concur.  
Adopted.

HB 586-FN, relative to mooring of boats on certain lakes in New Hampshire. (Amendment printed SJ 5/5)  
Rep. Dickinson moved that the House concur.  
Adopted.

NONCONCURRENCE WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE

SB 62, relative to counting absentee ballots in cities and towns which use voting machines.

The President appointed Sens. Pressly, Charbonneau and Johnson.  
Rep. Flanagan moved that the House accede.  
Adopted.

The Speaker appointed Reps. Flanagan, Holden, Leclerc and Betty Hall.

SB 139, relative to election law dates.

The President appointed Sens. Freese, Dismard and Delahunty.  
Rep. Flanagan moved that the House accede.  
Adopted.

The Speaker appointed Reps. Flanagan, Holden, Leclerc and Betty Hall.

## REQUESTS CONCURRENCE WITH AMENDMENTS

HB 260-FN-A, providing for the reconstruction of a section of Prescott Road in the town of Raymond, and relative to the rehabilitation of the Westminster bridge on Routes 12 and 123 in the town of Walpole and making an appropriation therefor. (Amendment printed SJ 5/5)

Rep. Pearson moved that the House concur.  
Adopted.

HB 309-FN-A, relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain aerial tramway fund and establishing a study committee for the state-owned ski operations. (Amendment printed SJ 5/5)

Rep. Pearson moved that the House concur.  
Adopted.

HB 322-FN-A, relative to the AIDS virus and making an appropriation therefor. (Amendment printed SJ 5/5)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Sochalski, Bates, Beverly Gage and Copenhagen.

HB 607-FN, increasing the personal needs allowance for recipients of medical assistance residing in nursing homes, and making an appropriation therefor. (Amendment printed SJ 5/5)

Rep. Sochalski moved that the House concur.  
Adopted.

HB 530-FN, relative to assisted persons. (Amendment printed SJ 4/28)

Rep. Sochalski moved that the House concur.  
Adopted.

NONCONCURRENCE WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE

SB 27, relative to the commemorative rifle or shotgun lottery.

The President appointed Sens. Hounsell, Krasker and Freese.

Rep. Rounds moved that the House accede.

Adopted.

The Speaker appointed Reps. Scanlan, Schofield, Perham and Theriault.

SB 178, permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire retirement system.

The President appointed Sens. Disnard, Bond and Johnson.

Rep. Hawkins moved that the House accede.

Adopted.

The Speaker appointed Reps. Hawkins, McCain, Ann Torr and Pelley.

## REQUESTS CONCURRENCE WITH AMENDMENT

HB 345-FN-A, relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor. (Amendment printed SJ 5/5)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Francis Robinson, Martling, Alf Jacobson and Cahill.

NONCONCURRENCE WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE

SB 233, relative to capital budget requests for airports in the state.

The President appointed Sens. Torr, White and Krasker.

Rep. Pearson moved that the House accede.

Adopted.

The Speaker appointed Reps. Swope, Chamberlin, Kenneth Wheeler and Levesque.

## REQUESTS CONCURRENCE WITH AMENDMENT

HB 288-FN-A, establishing an office of victim/witness assistance and making an appropriation therefor. (Amendment printed SJ 5/5)

Rep. Alf Jacobson moved that the House concur.

Adopted.

## REFUSES TO ACCEDE TO COMMITTEE OF CONFERENCE

HB 348-FN-A, relative to the division for children and youth services and appropriating funds for certain employee benefits.

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

SB 69, enacting the uniform limited partnership act. Ought to Pass. The bill amends the Uniform Limited Partnership Act allowing:

(a) Contributions by limited partners may also be in the form of services.

(b) A test to determine whether a limited partner is actually a general partner.

(c) A safe harbor is created by detailing the voting power of a limited partner. Vote 13-0. Rep. Leo W. Fraser, Jr., for Commerce, Small Business and Consumer Affairs.

SB 70, amending article 8 of the uniform commercial code. Ought to Pass.

This bill amends article 8 of the Uniform Commercial Code governing the machine transfer of securities without the necessity for possessing certificates. Vote 13-0. Rep. Leo W. Fraser for Commerce, Small Business and Consumer Affairs.

SB 71, adopting the uniform fraudulent transfer act. Ought to Pass. The bill changes language from the Fraudulent Conveyance Act to the Fraudulent Transfer Act, so that the act is applicable to transfers of personal property as well as real property. Vote 12-0. Rep. Leo W. Fraser, Jr., for Commerce, Small Business and Consumer Affairs.

SB 72, relative to the industrial development authority and industrial development revenue bonds. Ought to Pass with Amendment.

This bill authorizes the Industrial Development Authority to delegate to its Chairman, Vice Chairman or Executive Director or a combination of these officers, the power to take actions with respect to all issues, and matters which affect industrial development revenue bond. However, all such actions shall be consistent with the findings and approval of the Governor and Council and with the purposes of the laws governing industrial development revenue bonds. Vote 13-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend RSA 162-1:3, 11 as inserted by section 1 of the bill by replacing it with the following:

11. The authority may authorize its officers to take such actions as may be reasonably necessary to carry out its powers. The authority may from time to time by resolution delegate to the chairman, vice chairman, or executive director, or any combination of these officers, the power to grant waivers and consents, approve amendments, and take all other actions with respect to financing documents, security documents, and other documents pertaining to bonds previously issued by the authority; provided, however, that all such actions shall be consistent with the findings and approval of the governor and council made under RSA 162-1:9 and with the purposes of this chapter.

SB 199-FN, relative to branch banking. Ought to Pass.

House and Senate versions of this bill being virtually identical, a choice comes down to expediency of passage. The Senate version permits any bank "with its principal office within the State of New Hampshire" to branch intrastate, subject only to certain volumetric constraints. Vote 13-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

SB 76, relative to records management and archives. Ought to Pass with Amendment.

This bill codifies and clarifies the various State laws regarding the protection and maintenance of our State records. This bill also includes new forms of records (microfilm, computer tape) within the law. Finally, the bill brings the control of permanent records of the State under the Secretary of State where the Constitution requires

them to be, and for all but a few years of State history they always were. Vote 16-0. Rep. David B. Wright for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivisions; Records. Amend RSA 5 by inserting after section 24 the following new subdivisions:

##### Records Management and Archives

5:25 Declaration of Policy. The legislature declares that a program for the efficient and economical management of state and local records will promote economy and efficiency in the day-to-day record-keeping activities of the state government and will facilitate and expedite government operations. The legislature further declares that the interests of the state and of posterity require the establishment of archives in which may be preserved records, papers, and documents having permanent and historical value.

5:26 Short Title. This subdivision shall be known as "Records Management and Archives Act."

5:27 Division Established. There shall be a division of records management and archives in the department of state, under the executive direction of the state archivist.

5:28 Appointment of Director. The secretary of state, with the approval of governor and council, shall appoint the director of the division of records management and archives, who shall be known as the state archivist and who shall be an unclassified state employee. The director shall have a minimum of a master's degree in library science or history and prior experience as an archivist or experience in a related field. The term of office for the state archivist shall be for 4 years. Any vacancy shall be filled for the unexpired term.

5:29 Definitions. In this subdivision:

I. "Agency" means any department, office, commission, board, or other unit, however designated, or the executive branch of state government.

II. "Archives" means records having permanent or historical value.

III. "Director" means the director of the division of records management and archives of the department of state.

IV. "Local record" means a record of any county, city, town, district, or authority or of any public corporation or political entity whether organized and existing under charter or under general law, unless the record is designated or treated as a state record under state law.

V. "Record" means document, book, paper, manuscript, drawing, photograph, map, sound recording, microform, or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for library use or exhibition purposes, extra copies of documents preserved only for convenience or reference, and stocks of publications and of processed documents are "nonrecord materials" and are not included within this definition of records.

VI. "Records center" means the depository of records and archives.

VII. "State record" means:

- (a) A record of a department, office, commission, board, or other agency, however designated, of the state government;
- (b) A record of the state legislature;



(c) A record of any court of record, whether of statewide or local jurisdiction; or

(d) Any other record designated or treated as a state record under state law.

5:30 Duties of Director. The director shall, with due regard for the functions of the agencies concerned, and subject to the approval of the secretary of state:

I. Establish standards, procedures, and techniques for effective management of records.

II. Make continuing surveys of paper work operations and recommend improvements in current records management practices including the use of space, equipment, and supplies employed in creating, maintaining, storing, and servicing records.

III. Establish standards for the preparation of schedules providing for the retention of state records of continuing value and for the prompt and orderly disposal of state records no longer possessing sufficient administrative, legal, or fiscal value to warrant their further keeping.

IV. Establish standards and formulate procedures for the transfer of records having permanent and historical value to the archives.

V. Requires such reports from agencies as are required for the administration of the program.

VI. Provide guidance to municipal officials in the arrangement, description, conservation, preservation, and accessibility of municipal archives.

VII. Collect, arrange, transcribe, and cause to be printed such portions of the early state and provincial records as he may deem expedient in such style, form, and printed quality as he may determine.

VIII. Provide for the deposit at the records center of photo reproductions of unrecorded documents pertaining to the affairs of public importance of any town or division of the state prior to 1975 which are accompanied by an affidavit recording the source of the document.

IX. Require town officials having custody of town or parish records, plans, documents, or public papers from prior to the year 1910, to deposit the same at the archives for the purpose of being copied and indexed as specified in RSA 41:64.

X. Maintain a descriptive inventory and photographic reproduction collection of all portraits and artifacts that belong to the state.

XI. Maintain, publish, and edit documents which encourage the study of the history of New Hampshire and its constitution through its documented and artifactual heritage.

5:31 Records Center; Rules. The director, subject to the supervision of the secretary of state, shall have charge of the records center. He shall, subject to the provisions of RSA 5:40, adopt rules governing:

I. The organization of the records center.

II. Transfer of records to the records center.

III. The inventory of materials in the records center.

IV. The means of access and reference to records and archives at the records center.

5:32 Building and Facilities. The state records and archives shall control all space in the state records and archives center. The division of plant and property management shall maintain the state records and archives center in suitable repair and condition for use by the division of records management and archives.

5:33 Agency Heads. The head of each agency shall:

I. Establish and maintain an active, continuing program for the economical and efficient management of the records of the agency, consistent with the rules adopted by the director and under the director's supervision.

II. Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency designed to furnish information to protect the legal and financial rights of the state and of persons directly affected by the agency's activities.

III. Submit to the director, in accordance with the standards established by him in rules adopted under RSA 5:40, schedules proposing the length of time each state record series warrants retention for administrative, legal, or fiscal purposes after it has been received by the agency. The head of each agency shall submit lists of state records in his custody that are of permanent and historical value to the state. He shall likewise submit lists of state records in his custody that are not needed in the transaction of current business and that do not have sufficient administrative, legal, or fiscal value to warrant their further keeping.

IV. Cooperate with the director in the conduct of surveys made by him pursuant to the provisions of this subdivision.

V. Comply with the rules and procedures adopted by the director.

5:34 Construction of Subdivision. Nothing in this subdivision shall be construed to divest agency heads of the authority to determine the nature and form of the records required in the administration of their several departments, or to compel the removal of records deemed necessary by them in the performance of their statutory duties. Any records made confidential by law shall be so treated in the records center.

5:35 Local Records. The director shall accept for permanent storage in the state archives such local records as the municipal records board established under RSA 33-A:4-a may require. Any material so stored may be withdrawn pursuant to rules adopted by the municipal records board.

5:36 Assistance to Legislative and Judicial Branches. Upon request, the director shall assist and advise in the establishment of records management programs in the legislative and judicial branches of state government and shall, as required by them, provide program services similar to those available to the executive branch of state government pursuant to the provisions of this subdivision.

5:37 Records not to be Damaged or Destroyed. All records made or received by or under the authority of or coming into the custody, control, or possession of public officials of this state in the course of their public duties are the property of the state and shall not be mutilated, destroyed, transferred, removed, or otherwise damaged or disposed of, in whole or in part, except as provided by law.

5:38 Disposal of Records. Unless otherwise provided by law with respect to particular departments or particular records, records not having a permanent or historical value may be destroyed at the end of 7 years from their making, provided that the rules of the director, as adopted under RSA 5:40, may provide that designated records may be destroyed at an earlier period or require their retention for a longer period.

5:39 Transfer of State Records. Subject to the limitations of the constitution, the secretary of state may transfer any of his records to the records center and he may transfer reports of state agencies to the state library.

5:40 Rules. The director, under the supervision of the secretary of state, shall establish a manual of uniform rules necessary and proper to effectuate the purposes of this subdivision. Such rules and any subsequent revisions, when approved by the governor and council, shall be binding upon all officers and employees of the state. Any rules adopted pursuant to this section shall be adopted in accordance with RSA 541-A.

5:41 Records from Rockingham County Registry of Deeds. All records of the Rockingham county registry of deeds recorded as Rockingham county registry of deeds volumes 101-239, inclusive, which do, in fact, contain records of transfers of land now located in other counties of the state,

shall be removed by the division of records management and archives from the county building in Exeter to the records and archives center, at a time mutually agreed upon by the director and the Rockingham county register of deeds. The purpose of this section is to remove from the Rockingham county registry of deeds all records concerning real property now located in counties other than Rockingham county.

#### State Historical Records Advisory Board

5:42 State Historical Records Advisory Board Established. There is hereby established the state historical records advisory board composed of the state archivist who shall be chairman of the state historical records advisory board and at least 7 members to be appointed by the governor and council. The term of office for each of said appointed members shall be for 3 years. Each member shall hold office until his successor is appointed and qualified. In case of a vacancy other than by expiration of the term, the appointment shall be for the balance of the unexpired term.

5:43 Qualifications. A majority of the appointed members of the board shall be persons of recognized professional qualifications and experienced in the administration of historical records or in a field of research which makes extensive use of such records. The composition of the board shall be as broadly representative as possible of the public and private archival and research institutions and organizations of the state.

5:44 Compensation. The members of the state historical records advisory board shall serve without compensation, but shall be reimbursed their reasonable expenses incurred in the performance of their duties under this subdivision.

5:45 Duties. The state historical records advisory board shall serve as a central advisory body for historical records, planning for projects developed and carried out under the program, established under RSA 5:25 in the state and in compliance with the national historical records and publications commission. The board may:

I. Sponsor surveys regarding the condition and needs of historical records in the state.

II. Solicit and develop plans for historical records projects.

III. Review and make recommendations regarding historical records projects proposed by institutions in the state.

IV. Develop and revise state plans for historical records projects according to established priorities.

V. Review the operation and progress of approved historical records projects in the state, financed by the national historical records and publications commission, through the board.

5:46 Cooperation with Other Bodies. The state historical records advisory board is authorized to cooperate with cities, towns, private groups, and institutions in the state and with agencies of state government, with respect to matters of interest in collecting and preserving historical records.

2 State Historical Records Advisory Board; Current Members. Notwithstanding any provision of this act, the current members of the state historical records advisory board shall remain in office for the remainder of the terms to which they were appointed.

3 Repeal. RSA 8-B, relative to records and archives, is repealed.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, recodifies the provisions of RSA 8-B, relative to records management and archives, to RSA 5, which establishes the department of state.

SB 197-FN, relative to alarm installers. Ought to Pass with Amendment.

Yes - We agree with the Senate! Something should be done about "Alarm Installers." However, the decision to register, certify or license is still unclear. To assure "good legislation" in this regard, your support of a legislative task force to study this and related issues is sought. Vote 16-0. Rep. Theodore J. Cusson, Sr., for Executive Departments and Administration.

#### Amendment

Amend the bill by replacing the title with the following:

#### AN ACT

establishing a joint legislative task force to study  
registration, certification, or licensing of  
various building services trades.

Amend the bill by replacing all after the enacting clause with the following:

#### 1 Legislative Task Force; Building Services Trades.

f. There is established a joint legislative task force, comprised of 4 members of the house executive departments and administration committee appointed by the speaker of the house and 3 members of the senate executive departments committee appointed by the president of the senate, to study the scope and possible methods of registration, certification, or licensing of alarm installers and other related building services trades.

11. The task force shall make its report and legislative recommendations to the president of the senate and the speaker of the house of representatives not later than October 15, 1987.

#### 2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

The bill, as amended, establishes a joint legislative task force, composed of 4 members of the house executive departments and administration committee and 3 members of the senate executive departments committee, to study the registration, certification, or licensing of various related building services trades. The task force is to submit its report and legislative recommendations to the speaker of the house and the senate president by October 15, 1987.

SB 224-FN, relative to licensing estheticians. Re-Refer to Committee. This bill appears to show a need for regulation of estheticians. However, it needs further work in order to be integrated into the Cosmetology and Barbering Board. Vote 16-0. Rep. Ann M. Torr for Executive Departments and Administration.

SB 232-FN, relative to the board of barbering and cosmetology. Ought to Pass with Amendment.

This bill addresses certain real concerns relative to the Board of Barbering and Cosmetology. We note that the Board has always acted responsibly in the past. Therefore, it is this Committee's opinion that by amending their rulemaking authority in the regulation of "off-premise" delivery of services, New Hampshire consumers will continue to enjoy the same protection of conventionally dispensed services. Vote 16-0. Rep. Theodore J. Cusson, Sr., for Executive Departments and Administration.

## Amendment

Amend the bill by replacing the title with the following:

AN ACT  
relative to regulation of off-premises delivery of  
barbering and cosmetology services.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Rulemaking; Provision of Off-Premises Barbering and Cosmetology Services. Amend RSA 313-A:7, XI and XII to read as follows:

XI. Licensing and approval of schools and their curriculum;  
[and]

XII. Licensing and approval of cosmetology and barbering  
instructors; and

XIII. The occasional performance of barbering and cosmetology  
services at locations other than the principal place of business by  
persons licensed under this chapter.

2 Effective Date. This act shall take effect 60 days after its  
passage.

## AMENDED ANALYSIS

The bill, as amended, directs the board of barbering and cosmetology to adopt rules governing the provision of barbering and cosmetology services by licensed persons at locations other than their principal places of business.

SB 85-FN, establishing a special environmental court within the  
Manchester district court. Ought to Pass with Amendment.

The bill, as amended, establishes a joint House/Senate study committee to develop proposals for local boards to resolve disputes which arise under local ordinances. It also clarifies the penalty provision for violations of local ordinances and clearly delineates district court jurisdiction over such cases. Vote 14-1. Rep. Thomas U. Gage for Judiciary.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

establishing a committee to develop proposals for local boards to hear  
cases involving violations of local codes and regulations,  
clarifying penalty provisions for violations of local  
codes and regulations, and relative to district  
court jurisdiction over such penalties.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established; Duties. There is hereby established a study committee to examine the feasibility of and develop proposals for local boards to hear and decide cases involving violations of local ordinances, codes, and regulations properly adopted pursuant to enabling statutes, including RSA 31, 41, 47, 52, 147, 149-I, 155, 155-E, 236, 424, and 672-677.



2 Committee Membership; Chairman. The study committee shall consist of 3 house members appointed by the speaker of the house and 3 senate members appointed by the president of the senate. The members shall be appointed and shall hold an initial meeting within 30 days of the effective date of this act. At the initial meeting, the members shall choose a chairman from among themselves.

3 Report. The committee shall submit proposals and recommendations for legislation in a report to the speaker of the house and the president of the senate on or before September 15, 1987.

4 Mileage. Committee members shall receive mileage at the legislative rate for attendance at committee meetings.

5 Penalties for Violations of Town Bylaws. RSA 31:39, 11I is repealed and reenacted to read as follows:

11I. Towns may adopt penalties as part of the bylaws to enforce observance of the bylaws, making a violation of a bylaw a violation as defined in RSA 625:9 or a violation punishable by a civil fine or penalty not to exceed \$1,000 for a single offense.

6 New Section; District Court Local Regulation Enforcement. Amend RSA 502-A by inserting after section 11 the following new section:

502-A:11-a Local Regulation Enforcement.

I. The district court shall have jurisdiction, subject to appeal, of the prosecution by a municipality of any violation of a local ordinance, code, or regulation properly adopted pursuant to enabling statutes, including RSA 31, 41, 47, 52, 147, 149-I, 155, 155-E, 236, 424, and 672-677 to the extent that violation of such local ordinance, code, or regulation, by its terms or by applicable statute:

(a) is characterized as a misdemeanor or violation within the meaning of the criminal code, in which event penalties shall be consistent with RSA 651.

(b) is punishable by a civil fine or civil penalty in an amount which does not exceed the limits of the district court's civil damages concurrent jurisdiction as set forth in RSA 502-A:14, II.

II. This section shall not be construed to diminish the jurisdiction of the superior court to hear and decide matters in which municipalities seek to enforce local ordinances, codes, or regulations through injunctive or other equitable relief.

7 Jury Trial in Superior Court. Amend RSA 592-A:2-b to read as follows:

592-A:2-b Jury Trial. Trial by jury shall not be afforded in the superior court for any violation as defined in RSA 625:9, except upon an appeal pursuant to RSA 599:1 of the imposition of a civil fine or penalty which aggregates the total fines and penalties for a violation to an amount in excess of \$500.

8 Appeals from Convictions in Municipal or District Court. Amend RSA 599:1 to read as follows:

599:1 Appeals. A person sentenced by a district or municipal court for a misdemeanor or for any offense which provides the basis for enhanced penalties if the offender is subsequently convicted of the same offense, or who has been sentenced by the imposition of a civil fine or penalty bringing the total fines and penalties for a violation to an amount in excess of \$500, may, at the time the sentence is declared, appeal therefrom to the superior court. The appeal shall be entered by the appellant at the next return day unless [for good cause shown] the time is extended by the superior court for good cause. In all misdemeanor cases which are so appealed or in which defendants are bound over it shall be the duty of the clerk of the superior court to transmit to the justice of the district or municipal court, within 10 days after the case is finally disposed of, a certificate showing the final disposition of the case.

9 New Subparagraph; Civil Penalty Distinguished from Criminal Fine. Amend RSA 651:2, 1V by inserting after subparagraph (c) the following new subparagraph:



(d) The limitations on amounts of fines authorized in subparagraphs (a) and (b) shall not include the amount of any civil fine or civil penalty characterized as such, the imposition of which is authorized by statute or by a properly adopted local ordinance, code, or regulation.

10 New Section; Civil Penalties Not Part of Criminal Record. Amend RSA 651 by inserting after section 5 the following new section:

651:5-a Civil Penalties. The imposition of a pecuniary forfeiture characterized by statute or by a properly adopted local code, ordinance, or regulation as a civil fine or civil penalty shall not, unless another sentence is imposed, appear as a record of conviction or sentence as part of the criminal record.

11 Clarification of Injunctive Relief for Land Use Violations. Amend RSA 676:15 to read as follows:

676:15 Injunctive Relief. In case any building or structure or part thereof is or is proposed to be erected, constructed, altered, or reconstructed, or any land is or is proposed to be used in violation of this title or any local ordinance, code, or regulation adopted under this title, or any provision or specification of an application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title, the building inspector or [the solicitor of the municipality] other official with authority to enforce the provisions of this title or any local ordinance, code, or regulation adopted under this title, or the owner of any adjacent or neighboring property who would be specially damaged by such violation may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, alteration, or reconstruction.

12 Clarification of Fines and Penalties for Land Use Violations. RSA 676:17 is repealed and reenacted to read as follows:

676:17 Fines and Penalties.

1. Any person who violates any of the provisions of this title, or any local ordinance, code, or regulation adopted under this title, or any provision or specification of an application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title:

(a) Shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

(b) Shall be subject to a civil penalty not to exceed \$100 for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he is in violation, whichever is earlier.

11. The building inspector or other local official with the authority to enforce the provisions of this title or any local ordinance, code, or regulation adopted under this title as set forth in paragraph 1 may bring an action for a criminal penalty, civil penalty, or both, either in the district court pursuant to RSA 502-A:11-a, or in the superior court. The provisions of this section shall take precedence over any inconsistent local penalty provision.

III. In any legal action brought by a municipality to enforce any local ordinance, code, or regulation adopted under this title, or any provision or specification of an application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or local land use board acting under the authority of this title, by way of an action for penalties as set forth in paragraph 1, injunctive relief as provided by RSA 676:15, or otherwise, the municipality may recover its costs and reasonable attorneys' fees actually expended in pursuing the legal action if it prevails in the action. For the purposes of this paragraph, recoverable costs shall include all

out-of-pocket expenses actually incurred, including, but not limited to, inspection fees, expert fees, and investigatory expenses.

IV. If any violation as set forth in paragraph I results in the expenditure of public funds by a municipality which are not reimbursed under paragraph III, the court in its discretion may order, as an additional civil penalty, that a violator make restitution to the municipality for funds so expended.

V. The superior court may, upon a petition filed by a municipality and after notice and a preliminary hearing as in the case of prejudgment attachments under RSA 511-A, require an alleged violator to post a bond with the court to secure payment of any penalty or remedy, or the performance of any injunctive relief which may be ordered, or both. At the hearing, the burden shall be on the municipality to show that there is a strong likelihood that it will prevail on the merits, that the penalties or remedies sought are reasonably likely to be awarded by the court in an amount consistent with the bond sought, and that the bond represents the amount of the projected expense of compliance with the injunctive relief sought.

#### 13 Effective Date.

I. Sections 1-4 of this act shall take effect upon its passage.

II. Sections 5-12 shall take effect January 1, 1988.

#### AMENDED ANALYSIS

This bill, as amended, establishes a study committee to develop proposals for local boards to hear and decide cases involving violations of local ordinances, codes and regulations.

This bill, as amended, gives the district courts concurrent jurisdiction, in certain instances, of the prosecution by a municipality of any violation of a local ordinance, code, or regulation adopted pursuant to certain enabling statutes. The district court's original jurisdiction includes, but is not limited to, alleged violations of local land use or planning and zoning ordinances.

#### SENATE MESSAGE REQUESTS CONCURRENCE WITH AMENDMENT

HB 296-RN-A, establishing a department of securities and making an appropriation therefor. (Amendment printed SJ 5/5)

Rep. Fraser moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Fraser, Packard, McCain and Copenhaver.

#### COMMITTEE REPORTS (Regular Calendar)

SB 2, mandating health insurance for alcoholism and drug dependency treatment. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: The majority of the Committee did not wish to add any more mandates to already overloaded health care insurance. Testimony from labor, business, and industry, all of whom opposed the bill agreed that benefit packages ought to be a matter of negotiation between employers and employees. Also, it was pointed out that rates historically go up to reflect added coverage. A move to require only that insurers offer (not a mandate) this coverage did not find favor and so "Inexpedient to Legislate" is our recommendation. Vote 7-4. Rep. Sara M. Townsend for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: The minority recognizes that alcohol and drug abuse is one of the major health problems facing the State. It is time for us as legislators to stand up and face our responsibilities. Alcohol and drug abuse has widespread effects on our entire society, on the abuser, the abuser's family and friends - on job performance and highway fatalities. Alcoholism is a disease which can affect any one of us. It should be covered by insurance like any disease. However, since alcoholism is a disease of denial, optional coverage won't work and must be mandated. Reps. Bonnie B. Packard, Patricia H. Foss, Cornelius J. Keane and Raymond C. Buckley for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Christy moved that SB 2 be Re-Referred to Committee and spoke to his motion.

Rep. Sara Townsend spoke in favor of the motion.  
Adopted.

SB 183-PN, relative to coverage for mental or nervous conditions.  
Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This is a compromise because the Committee has kept SB 183 as written for three years, then it would be terminated with original chapter language in place. The Committee hopes that the Task Force on Mental Health Laws will have its report and recommendations long before this. Vote 9-2. Rep. Sara M. Townsend for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: The minority feels that this bill does not carry the feeling of the citizens of New Hampshire. It is tied to the "Medical Price Index" which has increased 230-270% since this original minimum coverage was established. Opposition to this bill came from the Business and Industry Association, Blue Cross-Blue Shield, insurance coverers - It's really hard to cure alcoholism at \$300 to \$600 per day, if the person concerned does not want it. Rep. C. Dana Christy for the Minority of Commerce, Small Business and Consumer Affairs.

#### Amendment

Amend the bill by replacing section 8 with the following:

8 Commissioner; Adjustment. Amend RSA 415:18-a, IV to read as follows:

IV. In the case of policies or certificates providing benefits for hospital and medical expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, [as adjusted under paragraph VII,] and to a lifetime maximum of not less than \$10,000 per covered individual[, as adjusted under paragraph VII]. In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by a psychiatrist, a psychologist, a licensed pastoral counselor, a licensed general hospital, a public or licensed mental hospital, or a community mental health center or psychiatric residential program approved according to rules adopted by the director of mental health and developmental services, department of health and human services.

9 Benefits; Adjustment. Amend RSA 419:5-a, III to read as follows:

III. In the case of policies or certificates providing benefits for hospital expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply

to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, [as adjusted under paragraph III-b,] and to a lifetime maximum of not less than \$10,000 per covered individual[, as adjusted under paragraph III-b]. If such a policy or certificate is issued jointly with a medical service corporation licensed under RSA 420 or a health service corporation licensed under RSA 420-A, the limit on benefits payable for expenses incurred by any covered individual in any consecutive 12-month period and the limit on lifetime benefits may apply to the total benefits for mental illnesses and emotional disorders provided under such policy or certificate for such individual. In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by a licensed general hospital, a public or licensed mental hospital, or a community mental health center or psychiatric residential program approved according to rules adopted by the director of mental health and developmental services, department of health and human services; except that such expenses may exclude charges arising from the professional services of a psychiatrist or a psychologist or a licensed pastoral counselor who customarily bills patients directly rather than to a hospital, community mental health center or psychiatric residential program.

10 Medical Service Corporations, Benefits; Adjustment by Commissioner. Amend RSA 420:5-a, III, to read as follows:

III. In the case of policies or certificates providing benefits for medical expenses on a major medical basis, benefits shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, [as adjusted under paragraph III-b,] and to a lifetime maximum of not less than \$10,000 per covered individual[, as adjusted under paragraph III-b]. If such a policy or certificate is issued jointly with a hospital service corporation licensed under RSA 419 or a health service corporation licensed under RSA 420-A, the limit on benefits payable for expenses incurred by any covered individual in any consecutive 12-month period and the limit on lifetime benefits may apply to the total benefits for mental illnesses and emotional disorders provided under such policy or certificate for such individual. In this paragraph, covered major medical expenses include the reasonable charges of a psychiatrist or psychologist or licensed pastoral counselor who customarily bills patients directly.

11 Inflation Adjustment; Revocation. The adjustment of the minimum benefit amounts for coverage for expenses arising from the treatment of mental illnesses and emotional disorders set forth in RSA 419:5-a, III, RSA 415:18-a, IV, and RSA 420:5-a, III made pursuant to section 1 of this act is revoked and such minimum benefit amounts shall be decreased to the level at which they existed prior to the enactment of this act.

12 Repeal. The following are repealed:

1. RSA 415:18-a, VII, relative to adjustment of minimum benefit amounts.

1I. RSA 419:5-a, 1I1-b, relative to adjustment of minimum benefit amounts.

III. RSA 420:5-a, 111-b, relative to adjustment of minimum benefit amounts.

13 Application. Sections 8-12 of this act shall take effect July 1, 1990, unless recommendations proposed by the task force to study mental health services and utilization review established by 1986, 96:1, 1 are enacted into law.

14 Effective Date.

I. Sections 8-12 of this act shall take effect as provided in section 13 of this act.

II. The remainder of this act shall take effect 60 days after its passage.



## AMENDED ANALYSIS

This bill, as amended, authorizes the insurance commissioner to adjust, using an appropriate index, the minimum amount of coverage for mental and nervous conditions which must be provided to certificate policy holders by hospital service and medical service corporations and every insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses.

This bill, as amended, provides that if recommendations of the task force on mental health services and utilization review are not enacted into law by July 1, 1990, the insurance commissioner's authority to adjust such minimum amounts of coverage shall terminate. In such case, the minimum amounts of coverage shall be decreased to that which is currently established by statute.

Rep. Christy withdrew the report of the Minority, Inexpedient to Legislate.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

SB 208, adopting uniform commercial code article 2A - leases.

Re-Refer to Committee.

The Committee felt that it did not have adequate time to fully study a new addition to the Uniform Commercial Code. The new article governs the creation and execution of leases as well as remedies granted in the case of default. The 64 page bill will require study. Vote 12-1. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Report adopted.

SB 222-FN, relative to increased independence of the public utilities commission consumer advocate. Inexpedient to Legislate.

This legislation was identical with language which was included in HB 135, the Sunset Review of the Public Utilities Commission. House Bill 135 has long since been adopted which makes this pending legislation moot. Vote 17-1. Rep. Leo W. Fraser, Jr., for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

SB 50, relative to damages from construction. Inexpedient to Legislate.

This bill would single out one segment of a very large group under the heading of product liability for special consideration. This bill would establish an absolute 6-year statute of limitation for actions against the construction industry whereas in all other areas of product liability, the statute runs from the date the harm is discovered. Further, the subject matter falls within the purview of a Committee appointed by the General Court Studying Tort Reform. Vote 12-3. Rep. Robert E. Murphy for Judiciary.

Resolution adopted.

RECESS

(Speaker in the Chair)

SENATE MESSAGES  
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 661-FN, changing the name of the department of postsecondary vocational-technical education. (Amendment printed SJ 5/5)

Rep. Tufts moved that the House concur.

Rep. Skinner yielded to questions and yielded to Rep. Tufts who yielded to questions.

Adopted.

HB 167-FN, relative to sunset review of the department of postsecondary vocational-technical education. (Amendments printed SJ 4/16 and 5/5)

Rep. Tufts moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Tufts, Skinner, Walker and William Riley.

HB 152-FN, relative to sunset review of the board of education - administration and support. (Amendment printed SJ 5/5)

Rep. Tufts moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hounsell, Skinner, Wadsworth and Wall.

HB 355-FN-A, relative to the assumption of local probation functions by the state and making an appropriation therefor. (Amendment printed SJ 5/5)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Palumbo, Lozeau, Ellen-Ann Robinson and Waliner.

CONFEREES CHANGE

HB 133 - Rep. William Dion replaces Rep. Laurion

SENATE MESSAGES  
NONCONCURRENCE WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE

SB 90, relative to amusement parks.

The President appointed Sens. St. Jean, Hounsell and Freese.

Rep. Christy moved that the House accede.

Adopted.

The Speaker appointed Reps. Buckley, Paul Dionne, Gelinas and Rodgers

REQUESTS CONCURRENCE WITH AMENDMENT

HB 224-FN, establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible. (Amendment printed SJ 4/9)

Rep. Irvin Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Stewart, Haynes, Casey and Walter.



NONCONCURRENCE WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE

SB 229, relative to health clubs.

The President appointed Sens. Pressly, Heath and Johnson.

Rep. Christy moved that the House accede.

Adopted.

The Speaker appointed Reps. A. Leslie Burns, Geraldine Watson, Pantzer and Baker.

COMMITTEE REPORTS (cont.)

SB 26, prohibiting homosexuals from adopting, being foster parents, or running day care centers. Majority: Inexpedient to Legislate.

Minority: Ought to Pass.

MAJORITY: House Bill 70 is identical with SB 26, relative to homosexuals. HB 70 is currently on the table awaiting the opinion of the Court. It seems inappropriate for this Committee to pass on this bill while the questions are still pending. There was additional evidence presented on SB 26, from the more than 100 persons appearing in opposition to the bill. The evidence centered around various studies that were cited which indicated that there is no evidence that a homosexual home is unfit for children. But, instead indicated that abuse of children was not in any way connected to sexual preference per se. The best interest of each individual child is always the prevailing question. And, that is the question addressed each and every day by the Division of Children and Youth Services. Vote 12-3. Rep. Donnalee M. Lozeau for the Majority of Judiciary.

MINORITY: The minority of the Committee on SB 26 feels the majority report is inadequate and does not present to the House sufficient information on the bill to properly guide the members to accurately pass judgment on the status and merits of the bill. Reps. Daniel J. Healy and Dean Dexter for the Minority of Judiciary.

Rep. Healy moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Sanderson, Daschbach, Price and Michael King spoke against the motion.

Reps. Ingram, Sytek and Dexter spoke in favor of the motion and yielded to questions.

Rep. Sara Townsend spoke against the motion and yielded to questions. A roll call was requested. Sufficiently seconded.

YEAS 202    NAYS 155  
YEAS 202

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Hardy, Holbrook, Jensen, Locke, Lawrence Richardson, Thurston and Turner.

CARROLL: Allard, Gene Chandler, Hounsell, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Clark, Jesse Davis, Delano, Grodin, Morse, Parker, Pierce and Sawyer.

COOS: Brady, Brungot, Harold Burns, Coulombe, Frederic Foss, Guay, Horton, Marsh, Purrington and Theriault.

GRAFTON: Adams, Blair, Dearborn, Driscoll, Hammond, McAvoy, Rounds, Howard Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Barbara Arnold, Bass, Bourque, Boutwell, Bowers, Burkush, A. Leslie Burns, Champagne, Cid, Cox, Cusson, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Paul Dionne, Domaingue, Donovan, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Frank, Gagnon, Gelinas, Genest, Granger, Grip, Hatch, Healy, Holden, Chris Jacobson, Cornelius Keane, Keefe, Korcoulis, Kurk, Lanzara, Leclerc, Lefebvre, Levesque, Mason, McRae, Morrisette, Robert Murphy, Packard, Paquette, Pariseau, Perham, Prestipino, Reidy, Herbert Richardson, Routhier, Schneiderat, Shriver, Soucy, Steiner, Stiles, Sullivan, Tarpley, Turgeon, Vanderlosk, Ware, Watson, Emma Wheeler, Kenneth Wheeler, Winn and Zajdel.

MERRIMACK: Asplund, Austin, Laurent Boucher, Gilbreth, Merton Mann, Phelps, Provencal, Doris Riley, Stio and Whittemore.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, Blaisdell, Blanchard, William Boucher, Butler, Lawrence A. Chase, Jr., Conroy, Cooke, Drake, Felch, Fesh, Flanagan, John Flanders, Bert Ford, Beverly Gage, Gourdeau, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Ritzo, Rosencrantz, Schmidtchen, Schwaner, Scott, Seward, Sherburne, Skinner, Sytek, Tilton, Vartanian, Vaughn, Walker, Warburton, Welch and Wells.

STRAFFORD: Appleby, Callaghan, Albert Dionne, Patricia Foss, Frechette, Kinney, Koromilas, Laurion, McManus, Parks, Peiley, Proulx, Swope, Ann Torr, Wall and John Young.

SULLIVAN: Brodeur, Cutting, D'Amante, Domini, Ingram, Krueger, Lindblade, Peyron, Rodeschin and Spaulding.

#### NAYS 155

BELKNAP: Bowler, Malcolm Harrington, Hawkins, Maviglio, Pearson and Randall.

CARROLL: Dickinson, Robert Holmes and Olimpio.

CHESHIRE: Blacketor, Cole, Corrigan, Daschbach, Doucette, Daniel Eaton, Frink, Irvin Gordon, Hunt, LaMar, Matson, Ramsay, William Riley and Schwartz.

COOS: Kilbride, Mayhew, Nelson and Oleson.

GRAFTON: Arnesen, Bean, Bennett, Chambers, Christy, Copenhaver, Crystal, Densmore, Michael King, Wayne King, Lougee, Ezra Mann, Scanlan, Stewart and Wadsworth.

HILLSBOROUGH: Ahern, Alukonis, Baldizar, Lionel Boucher, Buckley, Chretien, Cote, Cowenhoven, Daigle, Drolet, Dube, Ducharme, Dupont, Durant, Dwyer, Nancy Ford, Ruth Gage, Scott Green, Guilbert, Betty Hall, Marian Harrington, Humphrey, Donna Kelly, Alice Knight, Long, Lown, Lozeau, Bonnie McCann, McGlynn, Messier, Moore, Mulligan, Nixon, O'Hourke, Pappas, Pignatelli, Price, Reardon, Ellen-Ann Robinson, Rodgers, Sallada, Leonard Smith and Zis.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Cahill, Gross, Hager, Hayes, Hess, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lewis, Lockwood, Manus, Millard, Nichols, Pantzer, Rehlander, Walter Robinson, Trombly, Tupper, Wallner and Yeaton.

ROCKINGHAM: Blanchette, Eunice Campbell, Marilyn Campbell, Carpenito, Cressy, Ellyson, Harry Flanders, Thomas Gage, Elizabeth Greene, Haynes, Hoar, Hollingworth, Magoon, McGovern, Pantelakos, Pevear, Popov, Read, Sanderson, Sochalski, Splaine, Tufts and Woodward.

STRAFFORD: Bates, Bernard, Casey, Chamberlin, Anita Flynn, Edward Flynn, Jean, Robert Jones, Sandra Keans, Kincaid, Lachance, Martling, William McCann, Francis Robinson, Spear and Wilson.

SULLIVAN: Behrens, Flint, McKee, Normandin, Schotanus and Sara Townsend, and the motion was adopted.

Rep. James Chandler notified the Clerk that he wished to be recorded against the substitute motion.

Rep. Murphy offered an amendment.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

prohibiting homosexuals from adopting or being foster parents.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court has chosen over the years to enact statutes relative to adopting children and providing foster care in order to further the best interests of our state's children. These statutory enactments of the state do not involve intrusion into the private lives of consenting adults, but rather further the public and governmental interest in providing for the health, safety, and proper training for children who will be the subject of governmentally approved or licensed activities relating to such children. The general court finds that, as a matter of public policy, the provision of a healthy environment and a role model for our children should exclude homosexuals, as defined by this act, from participating in governmentally sanctioned programs of adoption and foster care. Additionally, the general court finds that being a child in such programs is difficult enough without the added social and psychological complexities that a homosexual lifestyle could produce. The general court makes this statement in a deliberative and balanced manner both recognizing the rights of consenting adults, as limited by the Supreme Court of the United States in Bowers v. Hardwick 106 S. Ct. 2841 (1986), and the rights of the children of this state, who are intimately affected by the policies of this state in the above governmentally sanctioned programs, to positive nurturing and a healthy environment for their formative years.

2 New Paragraph; Homosexual Defined. Amend RSA 170-B:2 by inserting after paragraph XIV the following new paragraph:

XV. "Homosexual" means any person who knowingly and voluntarily performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another person of the same gender.

3 Homosexuals Prohibited from Adopting. Amend the introductory paragraph of RSA 170-B:4 to read as follows:

Specifically as follows, any individual not a minor and not a homosexual may adopt:

4 New Paragraph; Homosexual Defined. Amend RSA 170-F:2 by inserting after paragraph Iff the following new paragraph:

IV. "Homosexual" means any person who knowingly and voluntarily performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another person of the same gender.

5 Homosexual Foster Parents Prohibited from Adopting. Amend RSA 170-F:6, 1 to read as follows:

1. If a child in the custody of the director or a licensed child-placing agency has been in foster care for at least 6 months after the child is legally available for adoptive placement, the director or his designee shall inform the family providing care of the possibility of financial aid for adoption under this chapter. If it is found after investigation that the family caring for the prospective adoptee would be an appropriate adoptive family for the child but for the family's economic inability to meet the child's needs, the director or his designee, after consultation with local officials as required in RSA 170-F:4, shall enter into a tentative agreement with the family concerning the amount and duration of the proposed subsidy in the event the child is placed for adoption with that family. The director or his designee shall in all cases take all steps necessary to assist the family in completing the legal and procedural requirements necessary to effectuate the adoption, including payment for legal fees and court costs. For the purposes of this paragraph an appropriate adoptive family shall not be any family in which one or more of the adults is a homosexual.

6 License for Foster Family Home; Homosexuals Prohibited; Rules. Amend RSA 161:2, IV to read as follows:

IV. Supervision and Licensing. Supervise all foster family homes and child placing agencies provided that it shall not supervise such homes and agencies as are required by statute to be licensed by the division of public health services, department of health and human services. In the case of homes and agencies licensed by the division of public health services, department of health and human services, [wherein] in which are persons receiving assistance through the division of human services, the division of public health services shall, upon request, make available to the division of human services such pertinent information as may be necessary to enable the latter division to ascertain the condition and operation of such institutions and homes for persons receiving assistance from it. The department shall not grant a license to any foster family home in which one or more of the adults is homosexual. For the purposes of this section, "homosexual" means any person who knowingly and voluntarily performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another person of the same gender. The division for children and youth services shall further carry out the intent of this section by adopting rules under RSA 541-A to ensure that a wholesome living environment is provided to the children.

7 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill prohibits any person who is homosexual from adopting any person, or from being licensed as a member of a foster family.

Rep. Murphy explained the amendment and yielded to questions.

Rep. Dickinson spoke in favor of the amendment.

On a division vote, the Speaker declared the vote manifestly in the affirmative, the amendment was adopted.

(Deputy Speaker Burns in the Chair)

Rep. Weddle offered an amendment.

#### Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

prohibiting pedophiles or persons who are in a risk category for abusing or neglecting children from adopting, being foster parents, or running day care centers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition. Amend RSA 170-B:2 by inserting after paragraph XIV the following new paragraphs:

XV. "Pedophile" means a person who suffers from pedophilia, which is a sexual perversion where children are the preferred sexual objects of the pedophile.

XVI. "Risk Category" means having a criminal conviction record of felonies involving drugs, alcohol, or crimes involving the infliction of bodily harm on anyone; or a history of exhibiting one or more of the following behaviors: alcohol abuse, substance abuse, or the infliction of bodily harm on anyone during the last 7 years.

2 Pedophiles or Persons in a Risk Category for Abusing or Neglecting Children Prohibited from Adopting. Amend the introductory paragraph of RSA 170-B:4 to read as follows:

Specifically as follows, any individual not a minor and not a pedophile or a person in a risk category for abusing or neglecting children may adopt:

3 New Paragraph; Definition. Amend RSA 170-F:2 by inserting after paragraph III the following new paragraphs:

IV. "Pedophile" means a person who suffers from pedophilia, which is a sexual perversion where children are the preferred sexual objects of the pedophile.

V. "Risk category" means having a criminal conviction record of felonies involving drugs, alcohol, or crimes involving the infliction of bodily harm on anyone; or a history of exhibiting one or more of the following behaviors: alcohol abuse, substance abuse, or the infliction of bodily harm on anyone during the last 7 years.

4 Pedophile or Person in a Risk Category for Abusing or Neglecting Children as Foster Parents Prohibited from Adopting. Amend RSA 170-F:6, I to read as follows:

I. If a child in the custody of the director or a licensed child-placing agency has been in foster care for at least 6 months after the child is legally available for adoptive placement, the director or his designee shall inform the family providing care of the possibility of financial aid for adoption under this chapter. If it is found after investigation that the family caring for the prospective adoptee would be an appropriate adoptive family for the child but for the family's economic inability to meet the child's needs, the director or his designee, after consultation with local officials as required in RSA 170-F:4, shall enter into a tentative agreement with the family concerning the amount and duration of the proposed subsidy in the event the child is placed for adoption with that family. The director or his designee shall in all cases take all steps necessary to assist the family in completing the legal and procedural requirements necessary to effectuate the adoption, including payment for legal fees and court costs. For the purposes of this paragraph an appropriate adoptive family shall not be any family in which one or more of the adults is a pedophile or in a risk category for abusing or neglecting children.

5 License for Foster Family Home; Pedophiles, or persons in a Risk Category for Abusing or Neglecting Children Prohibited. Amend RSA 161:2, IV to read as follows:

IV. Supervision and Licensing.



(a) Supervise all foster family homes and child placing agencies provided that it shall not supervise such homes and agencies as are required by statute to be licensed by the division of public health services, department of health and human services. In the case of homes and agencies licensed by the division of public health services, department of health and human services, [wherein] in which are persons receiving assistance through the division of human services, the division of public health services shall, upon request, make available to the division of human services such pertinent information as may be necessary to enable the latter division to ascertain the condition and operation of such institutions and homes for persons receiving assistance from it. The department shall not grant a license to any foster family home in which one or more of the adults is a pedophile or a person in a risk category for abusing or neglecting children.

(b) In this paragraph:

(1) "Pedophile" means a person who suffers from pedophilia, which is a sexual perversion where children are the preferred sexual objects of the pedophile.

(2) "Risk Category" means having a criminal conviction record of felonies involving drugs, alcohol, or crimes involving the infliction of bodily harm on anyone; or a history of exhibiting one or more of the following behaviors: alcohol abuse, substance abuse, or the infliction of bodily harm on anyone during the last 7 years.

6 New Paragraph; Definitions. Amend RSA 170-E:1 by inserting after paragraph XII the following new paragraphs:

XIII. "Pedophile" means a person who suffers from pedophilia, which is a sexual perversion where children are the preferred sexual objects of the pedophile.

XIV. "Risk Category" means having a criminal conviction record of felonies involving drugs, alcohol, or crimes involving the infliction of bodily harm on anyone; or a history of exhibiting one or more of the following behaviors: alcohol abuse, substance abuse, or the infliction of bodily harm on anyone during the last 7 years.

7 Risk Categories. Amend RSA 170-E:4, III and IV to read as follows:

III. Upon receipt of any application, the department shall in every case examine the state registry of abuse and neglect reports as well as child abuse and neglect files where warranted and the criminal conviction records of the state police to determine whether the applicant is fit for the care of children. The department's files on the applicant shall reflect whether a record of any misdemeanor or felony convictions of any nature exist[s] in either the state police files of the central registry. If the applicant has been convicted of a crime against a child, or of a crime which shows that the person might be reasonably expected to pose a threat to a child such as a violent crime or a sexually related crime, the applicant shall not be issued a license. If, during the 7 years preceeding the application, the applicant had a history of any alcohol or drug related crimes, or one or more of the following behaviors: alcohol abuse, substance abuse, or any misdemeanor or felony involving the infliction of bodily harm on any person; the applicant shall not be issued a license. The commissioner shall adopt rules, under RSA 541-A, relative to the confidentiality of information gathered under this section.

IV. The department shall deny an application if the state registry or law enforcement files indicate that, upon determination of the department, the applicant is unfit for licensure. Information which may result in denial of an application includes, but is not limited to, the applicant, an employee, or resident of the child care agency having a criminal conviction involving crimes against minors or adults or a substantiated or founded complaint of child abuse or neglect, or a history of any alcohol or drug related crimes or any misdemeanor or felony involving the infliction of bodily harm on any person.



8 New Paragraph; License for Child Care Agency; Pedophiles or Persons in a Risk Category for Abusing or Neglecting Children Prohibited. Amend RSA 170-E:4 by inserting after paragraph IV the following new paragraph:

V. The department shall deny an application if the department determines that the applicant is unfit for licensure by reason of being a pedophile, or person in a risk category for abusing or neglecting children.

9 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill prohibits any person who is a pedophile, or a person who has a history of child abuse or neglect, or demonstrates behaviors which put the applicant or operator at risk for abusing or neglecting children from adopting any person, from being licensed as a member of a foster family, and from running day care centers.

Rep. Weddle explained the amendment and yielded to questions.

Rep. Dexter spoke against the amendment and yielded to questions. Amendment lost.

(Speaker in the Chair)

Question now being on the report, Ought to Pass with Amendment.

Rep. Alf Jacobson spoke against the report and yielded to questions.

Rep. Ingram spoke to the report.

Rep. Cahill spoke against the report and yielded to questions.

Reps. Reidy and Barnes spoke in favor of the report.

Rep. Harold Burns moved the previous question. Sufficiently seconded. Adopted.

Ordered to third reading.

SB 136, relative to joint and several liability. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: This bill, if allowed to become law, would deprive New Hampshire victims of their time-honored right to receive full compensation for their injuries from any responsible party.

Furthermore, the majority of the Committee believes that the Tort Reform Laws which were passed last year should be given time to work. Present law already allows a defendant that believes he is being unfairly singled out to bring suit against other responsible parties. In addition, the Committee received information and testimony that this bill will neither reduce insurance premiums nor make insurance more available.

Finally, if this bill should pass, it would cause plaintiffs to file multiple defendant suits instead of joint suits and the resulting flood of litigation would clog our courts, cost the state money and only benefit lawyers. Vote 11-4. Rep. Marc A. Chretien for the Majority of Judiciary.

MINORITY: This bill would return the doctrine of joint and several liability to its historic scope, applying it only to parties who acted together in a common plan. The amendment ensures that our New Hampshire Environmental Laws continue to mesh with the Federal Joint Liability Statutes. Under joint and several liability, a party who is only partially at fault may be ordered to pick up the cost of an entire judgment regardless of how much he is at fault. If this bill is passed, a party would only have to pay that part of judgment that is attributable to his fault. Several states have abolished this doctrine. This is the fair way to go! Reps. Thomas U. Gage, W. Kent Martling, Richard C. Stonner and Elizabeth A. Moore for the Minority of Judiciary.

Reps. Hess and Guay moved that debate be limited to twenty minutes excluding questions for both sides.

Adopted.

Rep. Thomas Gage moved that the report of the Minority, Ought to Pass with Amendment, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. C. William Johnson spoke against the motion, yielded to questions and yielded to Rep. Hess who yielded to questions.

Rep. Daniel Eaton moved that SB 136 be laid upon the table.

A roll call was requested. Sufficiently seconded.

Rep. Gross abstained from voting under Rule 16.

YEAS 212 NAYS 120  
YEAS 212

BELKNAP: Bolduc, Bowler, Dexter, Hardy, Maviglio, Pearson, Randall, Lawrence Richardson and Turner.

CARROLL: Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, Powers and Schofield.

CHESHIRE: Blacketor, Cole, Daschbach, Jesse Davis, Delano, Doucette, Daniel Eaton, Frink, Irvin Gordon, Hunt, LaMar, Morse, Parker, William Riley and Schwartz.

COOS: Coulombe, Kilbride, Mayhew, Oleson and Purrington.

GRAFTON: Adams, Arnesen, Blair, Chambers, Copenhaver, Dearborn, Densmore, Driscoll, Michael King, Wayne King, Lougee, Ezra Mann, Rounds, Scanlan, Wadsworth, Walter and Weymouth.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Bass, Bourque, Boutwell, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cote, Cox, Cusson, Ann Derosier, Gerard Desrochers, William Dion, Paul Dionne, Domaingue, Donovan, Dube, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Guilbert, Betty Hall, Healy, Holden, Humphrey, Chris Jacobson, Donna Kelly, Korcoulis, Lanzara, Lefebvre, Levesque, Long, Lown, Lozeau, McGlynn, Messier, Morrisette, Mulligan, Robert Murphy, Nixon, Pappas, Pariseau, Price, Reardon, Reidy, Herbert Richardson, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Stiles, Sullivan, Turgeon, Emma Wheeler, Kenneth Wheeler, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Cahill, Hager, Hess, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Lockwood, Merton Mann, Millard, Pantzer, Phelps, Provencal, Rehlander, Stio, Trombly, Wallner and Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, Blanchette, William Boucher, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cressy, Ellyson, Harry Flanders, John Flanders, Elizabeth Greene, Haynes, Hollingworth, Hynes, George Katsakiores, Phyllis Katsakiores, Lovejoy, Maurice MacDonald, Mace, McGovern, McKinney, Pantelakos, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Seward, Sherburne, Sochalski, Vartanian, Vaughn, Weddle, Welch, Wells and Woodward.

STRAFFORD: Bates, Bernard, Casey, Chamberlin, Albert Dionne, Jean, Sandra Keans, Kincaid, Kinney, Koromilas, Laurion, McManus, Francis Robinson, Spear, Ann Torr and John Young.

SULLIVAN: Behrens, Brodeur, D'Amante, Ingram, Krueger, McKee, Normandin and Schotanus.

NAYS 120

BELKNAP: Richard Campbell, Golden, Malcolm Harrington, Holbrook, Jensen, Locke and Thurston.

CARROLL: Allard, Gene Chandler, Dickinson, Olimpio and Saunders.

CHESHIRE: Arnott, Clark, Corrigan, Grodin, Pierce, Ramsay and Sawyer.

COOS: Brady, Harold Burns, Frederic Foss, Guay, Horton, Marsh, Nelson and Theriault.

GRAFTON: Christy, Crystal, Hammond, McAvoy, Stewart and Ward.

HILLSBOROUGH: Barbara Arnold, Baldizar, Bowers, Cid, Daigle, William Desrosiers, Drolet, Ducharme, Grip, Marian Harrington, Hatch, Cornelius Keane, Keefe, Alice Knight, Kurk, Leclerc, Mason, McRae, Moore, Packard, Paquette, Perham, Pignatelli, Prestipino, Rodgers, Tarpley, Vanderlosk, Ware and Watson.

MERRIMACK: Laurent Boucher, Gilbreth, Hayes, Mary Holmes, Kidder, Manus, Nichols, Doris Riley and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Lawrence A. Chase, Jr., Cooke, Drake, Flanagan, Bert Ford, Thomas Gage, Gourdeau, Hoar, Robert Johnson, Joyce, Roger King, Magoon, Malcolm, William F. McCain, Newell, Palumbo, Schmidtschen, Schwaner, Skinner, Splaine, Sytek, Tilton, Tufts, Walker and Warburton.

STRAFFORD: Appleby, Callaghan, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Lachance, Martling, William McCann, Parks, Pelley, Proulx, Swope, Wall and Wilson.

SULLIVAN: Cutting, Domini, Flint, Lindblade, Peyron, Rodeschin and Spaulding, and the motion was adopted.

SB 136 was laid upon the table.

Rep. Tarpley notified the Clerk that she inadvertently voted nay and meant to vote yea.

Rep. James Chandler notified the Clerk that he wished to be recorded in favor of the motion to table.

The Speaker called for the Special Orders.

SB 106, relative to the responsibilities of the commissioner of safety. Ought to Pass with Amendment.

This bill is a housekeeping measure to correct the inadvertent omissions in HB 526 (Department of Safety). Vote 15-0. Rep. Ann M. Torr for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the department of safety.

Amend the bill by replacing all after the enacting clause with the following:

1 Safety Inspectors; Powers. Amend RSA 21-P:4, IV(a) to read as follows:

(a) Power to serve criminal and habitual offender process, make arrests, and enforce all criminal laws and motor vehicle laws and rules of the state.

2 New Paragraphs; Authority for Fire Rules. Amend RSA 21-P:4 by inserting after paragraph VI the following new paragraphs:

VII. Have the discretion to grant authority to issue a citation for violations of fire safety rules adopted under RSA 153:4-a and RSA 153:5 to the state fire marshal or his designee, or to any fire chief, fire investigator, fire inspector or fire prevention officer who meets the qualifications established pursuant to RSA 21-P:14, II(s). A citation for violations under this paragraph shall carry the penalty set forth under RSA 153:24.

VIII. Have the discretion to grant authority to act as an appropriate law enforcement authority for service of orders under RSA 153:14 to the state fire marshal or his designee.

3 Assistant to the Director; Motor Vehicles. Amend RSA 21-P:9, I to read as follows:

I. An assistant to the director of motor vehicles, who shall carry out such duties as may be assigned to him by the director. [The assistant to the director shall be compensated at a salary level that is at least equal to his salary as an unclassified employee prior to the effective date of this section.]

4 New Subparagraph; Rulemaking for Citation Authority. Amend RSA 21-P:14, II by inserting after subparagraph (r) the following new subparagraph:

(s) Qualification for a person to receive the authority granted pursuant to RSA 21-P:4, VII.

5 Hazardous Materials Transporter License; Fee. Amend RSA 21-P:20, IV to read as follows:

IV. The fee for an annual license shall be \$25 and the fee for a single-trip license shall be \$15. Annual licenses shall expire on the [July] January 1 following the date of issue.

6 Salary of Assistant to Director; Titles of Employees.

I. The assistant to the director of motor vehicles in office as of the effective date of this act shall be compensated at a salary level that is at least equal to his salary as an unclassified employee prior to the effective date of this act.

II. Notwithstanding any other provision of law to the contrary, the titles of employees of the department of safety shall be revised to comply with RSA 21-G:6.

7 Contingency. The provisions of this act shall not take effect if HB 526-FN, An Act establishing a department of safety, is not enacted into law in the 1987 regular session of the general court.

8 Effective Date. This act shall take effect July 1, 1987, at 12:01 a.m.

#### AMENDED ANALYSIS

The bill, as amended, provides a additional policy powers to safety inspectors, the state fire marshal and fire chiefs, fire inspection and fire prevention officers.

The bill adds several references to the rulemaking authority of the commissioner of safety, and change the expiration date of hazardous materials transporter licenses to January 1. The bill will take effect only if HB 526-FN, the department of safety reorganization bill, is enacted into law.

Amendment adopted.

Ordered to third reading.

SB 64, legalizing the New London - Springfield water system precinct meeting of March 18, 1986. Ought to Pass with Amendment.

This is an omnibus action legalizing town/precinct meetings. Vote 15-0. Rep. Richard A. Grodin for Municipal and County Government.

Question now being on the adoption of SB 64 as amended.  
Rep. Ezra Mann offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

legalizing all votes pertaining to bond or note issues taken at the  
New London - Springfield water system precinct meeting of  
March 18, 1986, and relative to the legalization and  
ratification of actions taken at certain town  
meetings and relative to the Winchester  
school district election held  
March 19, 1987.

Amend the bill by replacing the effective date section with the following:

\_\_\_ Town of Winchester School District Election; Nullification. All results of the Winchester school district election held March 19, 1987, are hereby declared null and void.

\_\_\_ Special School District Election; Winchester. Notwithstanding any other provision of law, the Winchester school district is hereby authorized to conduct a special school board election. Such election shall occur within 30 days of the effective date of this act and shall be in conformity with all state election laws relative to annual school district elections except that:

I. The candidates shall be the same candidates as were on the slate of the March 19, 1987 election. There shall be no withdrawals of candidacy nor addition of candidates.

II. The voter check list shall be the same check list as used at the March 19, 1987, election with no additions or deletions.

III. Each candidate shall name one inspector of election as an election official to act with the clerk, moderator and school board at said special election. The inspectors shall be qualified voters at said election. The inspectors alone shall assist the school district moderator in counting votes for school board candidates.

IV. The school district clerk shall prepare new ballots which shall be distinguishable as to color, size or layout from the ballots used at the March 19, 1987 election.

\_\_\_ Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill, as amended, legalizes all actions taken at the New London - Springfield water system precinct meeting held on March 18, 1986, and at certain town meetings.

This bill, as amended, nullifies the Winchester school district election held March 19, 1987, and provides for a special school district election in its place. Only the candidates on the ballot for the Winchester school district election held March 19, 1987, shall be candidates for such special election; no such person may withdraw his candidacy and no new candidates may be proposed.

Amendment adopted.



Rep. Ezra Mann offered a further amendment.

Amendment

Amend the bill by replacing the effective date section with the following:

— Epsom Town Meeting. All acts, votes, and proceedings of the annual town meeting held in the town of Epsom on March 15, 1986, are hereby legalized, ratified and confirmed.

— Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill legalizes all actions taken at the New London-Springfield water system precinct meeting held on March 18, 1986, and at certain town meetings.

Amendment adopted.

Rep. Ezra Mann offered a further amendment.

Amendment

Amend the bill by replacing section 3 with the following:

3 Lancaster Town Meeting. All acts, votes, and proceedings of the annual town meeting held in the town of Lancaster on March 10, 1987, are hereby legalized, ratified and confirmed.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill legalizes all actions taken at the New London-Springfield water system precinct meeting held on March 18, 1986.

This bill, as amended, ratifies all actions taken at the Barnstead annual town meeting held on March 14, 1987, relative to restricting both the storage and the disposal of low level radioactive waste in the town of Barnstead.

This bill, as amended, legalizes all actions taken at the Lancaster annual town meeting held March 10, 1987.

Amendment adopted.

Ordered to third reading.

SB 41, relative to unclassified state employees. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: Many concerns regarding limiting the choices of the best qualified people, residency without relocation cost, and the potential loss of Federal funds were not resolved causing the majority to vote Inexpedient to Legislate. Vote 7-6. Rep. Ann M. Torr for the Majority of Executive Departments and Administration.

MINORITY: Those who make policy for the State ought to be residents of the State. Technical staff who are classified employees would not be affected by this bill. Rep. Scott E. Green for the Minority of Executive Departments and Administration.

Rep. Scott Green moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. McCain spoke in favor of the motion.

Adopted.



Rep. Scott Green offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a task force to study unclassified  
state employee residency requirements.

Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Task Force; Residency Requirements; Unclassified Employees.

I. There is established a joint legislative task force, comprised of 4 members of the house of representatives, executive departments and administration committee appointed by the speaker of the house of representatives and 3 members of the senate executive departments committee appointed by the president of the senate, to study the residency requirements for the hiring of certain unclassified state employees.

II. The task force shall make its report and legislative recommendations to the president of the senate and the speaker of the house of representatives not later than October 15, 1987.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill, as amended, establishes a joint legislative task force, composed of 4 members of the house representatives and 3 members of the senate, to study the residency requirements for the hiring of certain unclassified state employees. The task force is to submit its report and legislative recommendations to the speaker of the house and the senate president by October 15, 1987.

Amendment adopted.

Ordered to third reading.

COMMITTEE REPORTS (cont.)

SB 34, relative to the advisory budget control committee and the fiscal committee. Ought to Pass with Amendment.

Senate Bill 34, as amended, abolishes the Advisory Budget Control Committee (ABCC) and transfers its statutory responsibilities to the Fiscal Committee.

With annual legislative sessions firmly in place, the need for the ABCC no longer exists. The Legislature is better able to carry out budgetary adjustments as well as respond to civil emergencies and fiscal transfers.

These changes were proposed by both the House and Senate leadership. Vote 12-0. Rep. Laurent J. Boucher for Legislative Administration.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal; Advisory Budget Control Committee. RSA 9:13-a, 9:13-b and 9:13-c, relative to the advisory budget control committee, are repealed.

2 Duties Assigned to Fiscal Committee. Amend RSA 9:13-d to read as follows:

9:13-d Civil Emergency. Should it be determined by the governor that a civil emergency exists, the governor may, with the advice and consent of the [advisory budget control committee] fiscal committee, authorize such expenditures, by any department or agency, as may be necessary to effectively deal with said civil emergency and may draw his warrants in payment for the same from any money in the treasury not otherwise appropriated. In determining whether a civil emergency exists, the governor shall consider whether there is such imminent peril to the public health, safety and welfare of the inhabitants of this state so as to require immediate action to remedy the situation. This section shall not be construed to enlarge any of the powers which the governor may possess under the constitution or other statutes.

3 Revenue Stabilization. Amend RSA 9:13-e, III to read as follows:

III. In the event of a general fund operating budget deficit at the close of any fiscal year as determined by the official audit performed pursuant to RSA 21-I:8, I(h), the comptroller shall notify the [advisory budget control committee] fiscal committee and the governor of such deficit and request that sufficient funds, to the extent available, be transferred from the revenue stabilization reserve account to eliminate such deficit. Such transfer may be made only when both of the following conditions have been met:

(a) A general fund operating budget deficit occurred for the most recently completed fiscal year; and

(b) Unrestricted general fund revenues in the most recently completed fiscal year were less than the budget forecast.

The amount of said transfer shall not exceed a sum equal to the lower of the amount of the deficit in subparagraph (a) or the revenue shortfall in subparagraph (b). Upon receipt of approval from both the [advisory budget control committee] fiscal committee and the governor, the comptroller shall immediately transfer the sums so approved to the general fund surplus account.

4 Transfers Approved by Fiscal Committee. Amend RSA 9:16-a to read as follows:

9:16-a Transfers and Reductions Authorized. Notwithstanding any other provision of law, every department as defined in RSA 9:1 is hereby authorized, subject to the prior approval of the [advisory budget control committee] fiscal committee and the approval of the governor and council, to transfer funds within and among all PAU's within said department, provided that no funds may be transferred in violation of the provisions of RSA 9:17-a, 17-b or 17-c or in violation of any restrictions otherwise provided by law or to or from any account, except accounts in the department of health and human services, which is not composed of the same funding source mix. Notwithstanding any other provision of law, the governor is hereby authorized and directed to reduce the rate of expenditure in any department or departments, subject to the prior approval of the [advisory budget control committee] fiscal committee, in the event that he determines that the actual lapse for each fiscal year is not going to equal the level estimated in the forecast of funds, unappropriated surplus, as issued by the legislative budget assistant. The governor should make available a summary report every 60 days to the presiding officers and to the chairman of the [advisory budget control committee] fiscal committee about any actions under this section.

5 Positions and Increases. Amend RSA 21-I:56 to read as follows:

21-I:56 Reclassification of Positions or Increases Beyond Grade 34.

I. Any request for reclassification of position to a different class series as provided in RSA 21-I:54 or request to increase the salaries of a classified position beyond grade 34 as provided in RSA 99:8 shall require the approval of the [advisory budget control committee] fiscal committee of the general court before it is submitted to the governor and council for its approval.

11. Notwithstanding the provisions of RSA 9:16, 9:17 and 17-a, whenever the director of personnel in consultation with the affected

department shall determine that the personal services-permanent line item in any PAU and the salary adjustment fund cannot cover the cost of funding a reclassification and a transfer of funds from other line items is required, the director of personnel shall notify the governor and council and the [advisory budget control committee] fiscal committee as soon as possible. No such transfer shall be permitted without approval first of the [advisory budget control committee] fiscal committee and then of governor and council.

6 Duties Transferred. All duties assigned by law to the advisory budget control committee shall be carried out by the fiscal committee created under RSA 14:30-a.

7 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill, as amended, abolishes the advisory budget control committee, and transfers its remaining duties to the fiscal committee.

Amendment adopted.

Ordered to third reading.

SB 176-FN-A, changing financial disclosure requirements. Ought to Pass with Amendment.

Senate Bill 176, as amended, blends together the best elements of existing statute, HB 694 and SB 190; as well as, the important and constructive input from the Attorney General, Secretary of State and members of the public.

This bill replaces current law, RSA 15-A which requires a financial disclosure statement by elected officials, with requirement that candidates disclose business associations when they file for candidacy,

It also replaces current law, RSA 15-B, relative to gifts, testimonials, and honorariums with a law requiring elected officials to submit an annual statement disclosing gifts, honorariums, and donations received which are attributable to the official's office. The bill, as amended, also requires the Attorney General to review financial disclosure statements and statements of gifts, testimonials and honorariums from elected officials, as well as statements of fees and expenditures from lobbyists.

The House worked hard with the Senate to address the concerns raised by the Legislature early in this session. This bill is a reasonable, responsible and workable answer to a complex issue. Vote 12-0. Rep. Vincent J. Palumbo, Jr., for Legislative Administration.

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Financial Disclosure. RSA 15-A is repealed and reenacted to read as follows:

#### CHAPTER 15-A FINANCIAL DISCLOSURE

15-A:1 Definitions. In this chapter:

I. "Business" means any corporation or any legal entity organized for profit.

II. "Business association" means any business in which the person filing for state or county office at a state election is the owner,

partner, director, officer, employee, or investor and who received income in excess of \$10,000 in either year, ending June 1, from such business association during the previous 24 months.

III. "Income" means any money or thing of value received.

IV. "Primary occupation" means any business, business association, public sector employment, nonprofit employment, or self-employment which provides the largest source of income for the candidate.

15-A:2 Filing Requirement. All candidates who file for state or county office during the filing period or all persons filing an acceptance of nomination form shall disclose on the declaration of candidacy or acceptance form their primary occupation and all business associations.

15-A:3 Form of Disclosure. The secretary of state shall determine the forms required under this chapter, which shall appear as part of the acceptance of nomination form and the declaration of candidacy form. The forms shall include the definitions which appear in RSA 15-A:1, and adequate space to provide the required information.

15-A:4 Penalty. Any person who knowingly fails to comply with the provisions of this chapter or knowingly files a false statement shall be guilty of a misdemeanor.

15-A:5 Examination of Disclosures. It shall be the duty of the attorney general to examine the financial disclosures which are made under this chapter to the secretary of state and to compel such disclosures be made to comply with the law.

2 Gifts, Testimonials, Honorariums. RSA 15-B is repealed and reenacted to read as follows:

#### CHAPTER 15-B GIFTS, TESTIMONIALS, AND HONORARIUMS

##### 15-B:1 Definitions.

I. "Elected official" means the governor, members of the executive council, members of the general court, county commissioners, county sheriffs, county treasurers, county attorneys, registers of deeds, and registers of probate.

II. "Gift" means any money or thing of value received in excess of \$100. "Gift" shall not include contributions as defined in RSA 664; a commercially reasonable loan made in the ordinary course of business; or a gift received from a member of the person's immediate family or from a person's parent, aunt, uncle, grandparent, great grandparent, sibling, son or daughter, or from the spouse of any such relative.

III. "Honorarium" means a payment in excess of \$100 to an elected official for services on which no fee is set or legally obtainable.

IV. "Testimonial" means an affair of any kind or nature including, but not limited to, cocktail parties, breakfasts, luncheons, dinners, dances, or picnics intended to raise funds on behalf of an elected official.

15-B:2 Disclosure Required. Every elected state and county official, including members of the general court, shall file a statement annually with the secretary of state by June 15 showing any income received by the official during the preceding 12 months ending June 1 from testimonials, gifts, honorariums, donations, or any other source, when the receipt of such income is attributable to the office held by the official. This report shall not include campaign contributions, income received by the official in his regular course of employment or business or salary, mileage, or expense payments made to the official by the state or county for performance of official duties for the preceding 12 months. The statement shall give the name and address of any person or other source who gave more than \$100 of such income and the date received. The statement shall be a public record under RSA 91-A. For the purpose of this section, "income attributable to the office held by the official"





It also replaces current law, RSA 15-B, relative to gifts, testimonials, and honorariums with a law requiring elected officials to submit an annual statement disclosing gifts, honorariums, and donations received which are attributable to the official's office.

The bill, as amended, also requires the attorney general to review financial disclosure statements and statements of gifts, testimonials and honorariums from elected officials, as well as statements of fees and expenditures from lobbyists.

Rep. Palumbo explained the report.

Rep. Bass spoke in favor of the report.

Amendment adopted.

Ordered to third reading.

SB 192-FN, relative to membership of the legislative fiscal committee and the legislative budget assistant and making an appropriation therefor. Ought to Pass with Amendment.

Senate Bill 192, as amended, carries out the provisions of House-passed HB 101. This bill eliminates the scheduling conflicts of the current Sunset Process while maintaining the proper degree of autonomy necessary to fulfill the requirements of this important review process.

The Committee amendment replaces the current Sunset Process and Sunset Committee with a Joint Performance Audit Committee and a Performance Audit Office within the Legislature to conduct performance audits of executive agencies. The Performance Audit Committee will establish a schedule of performance audits. This Committee is required to:

1. consider policy and statutory committee suggestions regarding agencies or programs to be reviewed as well as staff recommendations;
2. ensure that all agencies be subject to some form of performance review at least once every ten years; and
3. establish a formal public mechanism for identifying what agencies will be reviewed and when.

The amendment provides the Committee with the flexibility to direct that special audits, follow-up studies and other relevant research be conducted as it determines necessary. It also exempts the State Treasurer, Secretary of State, legislative offices and executive order agencies from performance audits and requires that policy committees be involved in designing the scope of performance audits and that they receive copies of the audit reports.

Finally, the amendment transfers the equipment, records and funds currently assigned to the Sunset Committee to the new Committee. Vote 12-0. Rep. Vincent J. Palumbo for Legislative Administration.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to legislative performance audit  
and oversight.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Legislative Performance Audit and Oversight. Amend the RSA by inserting after chapter 17-M the following new chapter:



CHAPTER 17-N  
LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT

17-N:1 Performance Audit and Oversight Committee Established.

I. There is hereby established a joint legislative performance audit and oversight committee of the general court.

II. The committee shall consist of 10 members, 5 of whom shall be members of the house of representatives, 3 appointed by the speaker of the house and 2 appointed by the house minority leader, and 5 of whom shall be senators, 3 appointed by the president of the senate, and 2 appointed by the senate minority leader. Members shall be appointed for their term of office. All members shall be eligible for reappointment so long as they are qualified under this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for an unexpired term within 30 days of the creation of such vacancy, and the initial appointments under this section shall be made within 30 days of the effective date of this section. The members shall choose from their number a chairman, provided that the chairmanship shall rotate biennially between the house and senate members.

III. The committee shall, while the general court is in session and during the interim, consult with, assist, advise and supervise the work of the legislative performance audit office.

17-N:2 Establishment of Legislative Performance Audit Office; Director. There shall be a legislative performance audit office under the supervision of the joint legislative performance audit and oversight committee. The office shall be administered by a director who shall be appointed by the committee. The committee shall fix the compensation of the director.

17-N:3 Assistants. The director, with the approval of the performance audit and oversight committee, shall appoint and fix the compensation of such assistants as are needed to carry out the office's responsibilities and compensate them out of funds appropriated to the committee or out of funds appropriated to the general court as joint expenses. The performance audit and oversight committee is authorized to make such other expenditures as are necessary to carry out its duties under this chapter.

17-N:4 Office Duties. The legislative performance audit office shall:

I. Conduct performance audits and studies of any state department, board, institution, commission, agency or program, except those identified in RSA 17-N:8.

II. At the direction of the performance audit and oversight committee, conduct follow-up studies and reports concerning the implementation of legislative policies, directives, and initiatives adopted as part of the legislative performance audit and oversight process.

III. Conduct such studies regarding the operation of state government, other than the operation of those agencies exempted under RSA 17-N:8, as the performance audit and oversight committee may authorize.

17-N:5 Access to Records.

I. Every agency, whether or not directly under review, shall cooperate with the performance audit and oversight committee and its staff in providing information necessary to conduct the performance audits and studies required under this chapter.

II. In the absence of voluntary cooperation, the director of the performance audit office, with the approval of the performance audit and oversight committee, shall have the power to inspect and make copies of any books, records, or files of all state agencies, and any and all instruments or documents pertaining to the purpose of this chapter. The

office may inspect all records which are classified as confidential by any of the laws of the state, but shall be required to maintain confidentiality of such records except for the purpose of developing general statistics and evaluations of the operations of state agencies.

111. All reports issued by the office shall include a statement of any occasion on which it was necessary to invoke paragraph II of this section. Such statement shall also include a description of the documents and the use to which they were put in preparing audit reports and shall include an unedited explanation of the situation by the administrator of the agency in question.

17-N:6 Performance Audits.

1. The performance audits and studies conducted under this chapter shall be designed to:

(a) Determine an agency or program's success in achieving the goals and objectives which have been established for it by the legislature or other authorizing body.

(b) Identify agencies or programs which are inactive or duplicate other agencies, programs or activities.

(c) Identify inefficient, ineffective or unnecessary programs or practices.

(d) Identify outmoded, inconsistent or unnecessary statutes.

(e) Identify ineffective or inappropriate rulemaking activities.

(f) Determine an agency's or program's compliance with statutory requirements and legislative directives.

(g) Address such other policy, operating, or management issues as the performance audit and oversight committee shall direct.

11. The performance audit and oversight committee shall consult with the appropriate standing committees of the house and senate to determine the specific scope of research and analysis to be conducted by the office for any agency scheduled for a performance audit.

17-N:7 Performance Audit Schedule.

I. By July 1 of each year, the director of the performance audit office shall submit a proposed performance audit schedule for the next fiscal year to the performance audit and oversight committee. The committee shall review and may amend the proposed schedule. No such schedule or amendment shall cause any state agency, board, or commission to be reviewed less frequently than at least once in every 10 years. In reviewing the proposed performance audit schedule, the committee shall consult with the policy committees of the senate and house of representatives and with the statutory committees of the general court.

II. Any standing committee of the senate or house of representatives or statutory committee of the general court may request that the performance audit and oversight committee authorize a special program audit evaluation or study of any state agency, board, commission, institution, or program. The performance audit and oversight committee shall review each such request and may, in its discretion, direct that the requested audit or study be conducted.

17-N:8 Exemptions from Performance Audit Jurisdiction. The following offices or agencies shall be exempt from performance audits or studies conducted under this chapter:

1. The office of the secretary of state.

II. The office of the state treasurer.

III. All legislative agencies or offices.

IV. All agencies or offices established solely by executive order of the governor.

17-N:9 Reports.

1. The performance audit office shall submit a detailed report of every performance audit or study conducted under this chapter to the performance audit and oversight committee. The committee shall review

these reports and transmit a copy of each report to the governor; the speaker of the house of representatives; the president of the senate; the chairman of the fiscal committee. the chairman of the joint legislative committee on administrative rules; the chairmen of the senate and house policy committees having oversight of the agency in question; and the chief executive officer of the department, board, institution, commission, or agency concerned. The chief executive officer shall have the right to submit a written statement explaining or responding to the findings of any audit of the report to the performance audit and oversight committee.

II. In addition to the reports required under paragraph I of this section or under any other statute, the joint performance audit and oversight committee shall, by August 30 of each year, submit a report to the members of the general court summarizing the results of performance audits and other studies conducted during the previous fiscal year.

2 Repeal. The following are repealed:

I. RSA 17-F, relative to the legislative committee on review of agencies and programs.

II. RSA 17-G, relative to legislative review of state agencies and programs.

3 Transfers. As of the effective date of this act the records, equipment, and unexpended appropriations of the legislative committee on review of agencies and programs shall be transferred to the legislative performance audit and oversight committee.

4 Effective Date. This act shall take effect July 1, 1987.

Rep. Palumbo explained the report.

Amendment adopted.

Ordered to third reading.

#### SENATE MESSAGES NONCONCURRENCE WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 211, relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study committee.

The President appointed Sens. Hounsell, Johnson and St. Jean.

Rep. Dickinson moved that the House accede.

Adopted.

The Speaker appointed Reps. Bardsley, Conroy, Vaughn and Spear.

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 702-rN, relative to workers' compensation medical and vocational rehabilitation benefits. (Amendment printed SJ 4/23)

Rep. Nichols moved that the House concur.

Adopted.

#### ENROLLED BILL AMENDMENTS

SB 115, relative to marriage.

#### Amendment

Amend the bill by replacing line 25 on page 2 with the following:

of 3 days provided in RSA 457:26 be shortened. No time waiver shall be

This amendment corrects a typographical error in a cross-reference.

Adopted.

HB 509, relative to boat maintenance or repair plates.

Amendment

Amend the bill by replacing line 6 on page 1 with the following:

requiring more than one number plate shall pay to the [said] director \$3 for each

This amendment inserts, in brackets, a word being deleted in section 1 of the bill.

Adopted.

HB 102-FN, relative to sunset review of office of legislative services.

Amend the bill by replacing line 4 on page 3 with the following:

the general court in connection with the performance of its functions; to

Amend the bill by replacing line 6 on page 3 with the following:

general court as circumstances will permit and which is in any way requested

Amend the bill by replacing line 14 on page 3 with the following:

III. [Pursuant to the direction of a special committee consisting

Amend the bill by replacing line 8 on page 4 with the following:

legislative term. [The first of said appointments shall be made for a

This amendment corrects several typographical errors.

Adopted.

SB 172-FN, regulating the taking of certain wildflowers and plants in New Hampshire.

Amendment

Amend the bill by replacing line 14 on page 2 with the following:

217-A:3 Definitions. In this chapter:

Amend the bill by replacing line 16 on page 3 with the following:

IX. "Special concern species" means any species of plant that does

Amend the bill by replacing line 4 on page 6 with the following:

of plant shall be a protected species, the department shall consider any

Amend the bill by replacing line 8 on page 8 with the following:

217-A:10, 111.

This amendment corrects grammatical, typographical, and cross-reference errors.

Adopted.

HB 408-FN, relative to establishing a uniform fine schedule for boating violations.

Amendment

Amend the bill by replacing line 2 on page 1 with the following:

270:11 Rulemaking and Enforcement. The commissioner of safety,

Amend the bill by replacing line 15 on page 1 with the following:

11. The Commissioner shall enforce the provisions of this chapter and

Amend the bill by replacing line 2 on page 2 with the following:

this section, the commissioner and his duly authorized representatives shall

Amend the bill by replacing line 6 on page 2 with the following:

270:11-a Waiver in Lieu of Court Appearance. Any person charged with  
a

This amendment changes references from "director of safety services" to "commissioner of safety" to be consistent with changes made in HB 526, an act establishing a department of safety, and corrects a typographical error.

Adopted.

HB 474-FN, relative to solicitations for charitable purposes.

Amendment

Amend the bill by replacing lines 2 and 3 on page 2 with the following:

to any religious organization which holds property for charitable or religious purposes or their integrated auxiliaries or to conventions or

Amend the bill by deleting line 16 on page 7.

Amend the bill by replacing line 1 on page 11 with the following:

additional one-year periods upon application and payment of the fee.

Amend the bill by replacing line 23 on page 11 with the following:

person responsible for directing and supervising the conduct of the

Amend the bill by replacing line 4 on page 14 with the following:

name, prior to the solicitation. The written consent shall be signed by  
any 2

Amend the bill by replacing line 19 on page 17 with the following:

the requirements of this subdivision.

Amend the bill by replacing line 16 on page 20 with the following:

RSA 7:19-32-a or any rules adopted thereunder. No such order shall require the

Amend the bill by replacing lines 5 and 6 on page 21 with the following:

offense, except that in the case of a violation through continuing failure or neglect to obey said order, each day of continuance of such failure or neglect shall be deemed a separate offense.

This amendment puts 2 transposed words in proper order, deletes an unnecessary section heading, corrects typographical errors, and corrects technical RSA terminology.

Adopted.

SENATE MESSAGES  
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 437, relative to motorboat and jet ski operation. (Amendment printed SJ 4/30)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Blair, John Young, Joyce and Beaton.

HB 165-FN, relative to sunset review of department of employment security and relative to appellate procedure in such department. (Amendment printed SJ 4/23)

Rep. Nichols moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Nichols, Turner, Warburton and Guay.

HB 241-FN, relative to workers' compensation. (Amendment printed SJ 4/23)

Rep. Nichols moved that the House concur.

Adopted.

HB 434, relative to the public employee labor relations board. (Amendment printed SJ 4/21)

Rep. Nichols moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Nichols, Maurice MacDonald, Flint and Blanchette.

HB 695-FN, relative to committal orders for persons found not guilty by reason of insanity. (Amendment printed SJ 5/5)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. C. William Johnson, Lozeau, Hess and Dwyer.

HB 704-FN, relative to the safety of facilities gathering, transmitting and distributing petroleum gas. (Amendment printed SJ 5/5)

Rep. Randall moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Palumbo, Randall, Frederic Ross and Durant.



HB 725-FN, relative to the attorney general. (Amendment printed SJ 5/5)

Rep. McCain moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. McCain, Fillion, Rosencrantz and Schneiderat.

HB 629-FN, relative to the administration and investments of the New Hampshire retirement system. (Amendment printed SJ 5/5)

Rep. McCain moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Richard Campbell, Kenneth MacDonald and Lawrence Richardson.

HB 104-FN, relative to sunset review of the office of state planning. (Amendment printed SJ 5/5)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Spear, Conroy, William McCann and Woodward.

HB 107-FN, relative to sunset review of the department of revenue administration - community services. (Amendment printed SJ 4/30)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Ward, Marian Harrington, Frechette and Cowenhoven.

HB 18, permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary. (Amendment printed SJ 5/7)

Rep. Ezra Mann moved that the House concur.

Adopted.

HB 433, relative to the termination of county employees. (Amendment printed SJ 5/1)

Rep. Ezra Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Adams, Roger King, Normandin and Baldizar.

HB 361-FN-A, redefining references to the United States Internal Revenue Code for purposes of the business profits tax. (Amendment printed SJ 4/30)

Rep. Ward moved that the House nonconcur.

Adopted.

#### ENROLLED BILLS REPORT

SB 99, establishing a study committee to determine whether the department of transportation has fully implemented the legislative directives of the general court.

SB 103, relative to motor vehicle license examinations.

SB 133, relative to immunizing children.

SB 195, relative to nonprofit housing projects and the Senior Citizens Housing Development Corporation of Claremont, Inc.

HB 24, to extend the deadline for the joint committee on recodification of the water laws to submit its report to the general court.

HB 186, relative to the appointment and terms of alternates for certain municipal offices.

HB 193, relative to liquor store relocation and making an appropriation therefor.

HB 204, requiring supervisors of the checklist in the New England states to be notified when a voter is added to a checklist in New Hampshire.

HB 232, relative to the homestead exemption for disabled veterans.

HB 319, making an appropriation for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug users and making an appropriation to the catastrophic illness fund.

HB 325, relative to the distribution of sweepstakes revenues.

HB 339, relative to lead paint abatement.

HB 407, amending the way in which the town of Londonderry shall collect its taxes for fiscal years 1987-1994.

HB 438, relative to applicants for armed security guard and armed private detective licenses.

HB 541, relative to developmentally disabled persons.

HB 547, relative to medicaid fraud and patient abuse.

HB 591, relative to the retention of state election ballots.

HB 660, relative to information services at highway rest areas and appropriating fees for these services.

HB 683, relative to state employee benefits.

HB 698, requiring accessible polling places and voting booths for physically disabled and elderly persons.

HB 724, relative to the transfer of 57 acres of Rye Harbor state park to the department of fish and game for wildlife management.

HB 366, making supplemental appropriations to the University of New Hampshire cooperative extension service, and to the board of veterinary medical examiners.

Rep. Raymond C. Buckley, 11  
For the Committee.

(Speaker in the Chair)

#### SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 10-FN-A, relative to state employee salaries and judicial salaries and making an appropriation therefor. (Amendment printed SJ 5/7)

Rep. Gross moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sytek, Gross, Palumbo and Ramsay.

HB 599, relative to submetering by master metered utility customers. (Amendment printed SJ 5/7)

Rep. Christy moved that the House concur.

Adopted.

HB 446, relative to the registration of partnerships and corporations. (Amendment printed SJ 5/7)

Rep. Christy moved that the House concur and yielded to questions.

Adopted.

HB 112-FN, relative to sunset review of the board of chiropractic examiners. (Amendment printed SJ 5/7)

Rep. McCain moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, McCain, Cusson and Mace.

#### ENROLLED BILLS AMENDMENTS

HB 154-FN, relative to sunset review of the board of education - special services.

##### Amendment

Amend the bill by replacing line 4 on page 1 with the following:

17-G. The agency or program shall terminate on July 1, 1993, subject to

This amendment corrects a typographical error in section 1 of the bill.

Adopted.

HB 682-FN, establishing a procedure for enforcing the payment of parking fines.

##### Amendment

Amend the bill by replacing line 19 on page 2 with the following:

records required by RSA 231:130-a, 1(a), in order that such records may be

This amendment corrects a typographical error in a citation.

Adopted.

HB 668-FN, relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.

##### Amendment

Amend the bill by replacing line 6 on page 1 with the following:

small power production facility or qualifying cogeneration facility which elects

This amendment corrects inconsistent terminology used in the bill.

Adopted.

HB 153-FN, relative to sunset review of the board of education - financial aids.

##### Amendment

Amend the bill by replacing line 5 on page 1 with the following:

1993, subject to RSA 17-G.

This amendment corrects a typographical error in section 1 of the bill.

Adopted.

HB 281-FN, establishing a study committee on teacher shortages and salaries.

Amendment

Amend the bill by replacing line 4 on page 2 with the following:  
the commissioner of education. The members of the committee shall

This amendment corrects a typographical error.

Adopted.

HB 62, relative to establishing salaries of county officers.

Amendment

Amend the bill by replacing lines 2-4 on page 2 with the following:  
a lesser amount than that which was in effect December 31, 1972 [;  
provided, that the salary of the Merrimack county sheriff be set as  
provided in RSA 104:29, X].

This amendment deletes a reference to an RSA provision, relating to the Merrimack county sheriff, which was repealed in 1982.

Adopted.

HB 117-FN, relative to sunset review of board of medicine.

Amendment

Amend the bill by replacing line 3 on page 1 with the following:  
agency or program shall terminate on July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error.

Adopted.

HB 155-FN, relative to sunset review of the board of education - food and nutrition.

Amendment

Amend the bill by replacing line 4 on page 1 with the following:  
1993, subject to RSA 17-G.

This amendment corrects a typographical error in section 1 of the bill.

Adopted.

HB 284-FN-A, making an appropriation for a conference on day care.

Amendment

Amend the bill by replacing line 8 on page 1 with the following:

2 Appropriation. The sum of \$5,000 for the biennium ending June 30,

Amend the bill by replacing line 11 on page 1 with the following:

this act. The governor is authorized to draw his warrant for said sum out

The amendment corrects 2 typographical errors in the bill.

Adopted.

HB 578-FN, relative to unemployment compensation.

#### Amendment

Amend the bill by replacing line 7 on page 7 with the following:

recent employer shall [be] immediately be relieved of charges where benefits are

This amendment shows the change in word order from existing law.

Adopted.

HB 679-FN, relative to buyers of farm products and distribution of funds to agricultural fairs, and making an appropriation to the secretary of state for a central indexing system for security interests in farm products.

#### Amendment

Amend the bill by replacing lines 23, 24 and 25 on page 6 with the following:

costs and expense of each agricultural fair receiving a distribution, audit all accounts of fairs receiving money under the provisions of this subdivision, and the report of each such audit, when completed, shall be submitted to the

Amend the bill by replacing line 5 on page 7 with the following:

records and papers required by this subdivision and follow such approved

Amend the bill by replacing line 16 on page 7 with the following:

I. RSA 284:23, If(b) relative to harness horse races or meets,

Amend the bill by replacing line 12 on page 8 with the following:

his warrant for said sums out of any money in the treasury not otherwise

This amendment corrects a transposition of words, a subparagraph reference, and typographical errors.

Adopted.

HB 717, relative to membership on planning boards.

#### Amendment

Amend the bill by replacing lines 3 and 4 on page 1 with the following:

(a) The mayor of the city or town, or with the approval of the local legislative body his designee, who shall be an ex officio member;

This amendment corrects a typographical error in the bill, so that new language is italicized.

Adopted.

SENATE MESSAGES  
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 142-FN, relative to sunset review of the fish and game department - administration and support. (Amendment printed SJ 5/7)

Rep. Rounds moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Perham, Scanlan, Jensen and Felch.

HB 225, relative to stream reclassification of certain waters of the state. (Amendment printed SJ 5/7)

Rep. Dickinson moved that the House concur.

Adopted.

HB 19, relative to the election laws. (Amendment printed SJ 5/7)

Rep. Joseph Eaton moved that the House concur.

Adopted.

HB 623, relative to the practice of physical therapy. (Amendment printed SJ 5/7)

Rep. McCain moved that the House concur.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 12

The committee of conference to which was referred Senate Bill 12, An Act relative to the operation of motors on Clarksville Pond in the town of Clarksville having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Clarksville Pond. Amend RSA 486 by inserting after section 28 the following new section:

486:29 Clarksville Pond. No person shall operate any boat equipped with a petroleum-powered motor upon the waters of Clarksville Pond in the town of Clarksville. Any other type of power motor used on Clarksville Pond shall not develop more than trolling speed. Whoever violates this section shall be guilty of a violation.

2 Posting of Clarksville Pond. The division of safety services, department of safety, shall appropriately post Clarksville Pond in the town of Clarksville.

3 Propagation License Reinstated. Notwithstanding the provisions of RSA 212:25 or RSA 211:62-e and upon payment of all fees, the propagation license issued to the Balsams Hotel of the Balsams Corporation for fishing



in Lake Gloriette, a 31-acre artificial reservoir on the property of the Balsams Corporation, is hereby reinstated and renewed. Lake Gloriette is hereby designated as a private body of water.

4 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sens. Bond, Hounsell and Preston

Conferees on the Part of the House:

Reps. Dickinson, Dingle, Joyce and Blair

Report adopted.

#### PERSONAL PRIVILEGE

Rep. Cooke addressed the House under Personal Privilege.

Rep. Harold Burns presented a report from the Resolutions and Screening Committee.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 12 at 1:00 p.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

SB 106, relative to the responsibilities of the commissioner of safety.

SB 64, legalizing the New London - Springfield water system precinct meeting of March 18, 1986.

SB 41, relative to unclassified state employees.

SB 69, enacting the uniform limited partnership act.

SB 70, amending article 8 of the uniform commercial code.

SB 71, adopting the uniform fraudulent transfer act.

SB 72, relative to the industrial development authority and industrial development revenue bonds.

SB 199-FN, relative to branch banking.

SB 76, relative to records management and archives.

SB 197-FN, relative to alarm installers.

SB 232-FN, relative to the board of barbering and cosmetology.

SB 85-FN, establishing a special environmental court within the Manchester district court.

SB 183-FN, relative to coverage for mental or nervous conditions.

SB 26, prohibiting homosexuals from adopting, being foster parents, or running day care centers.

SB 34, relative to the advisory budget control committee and the fiscal committee.

SB 176-FN-A, changing financial disclosure requirements.

SB 192, relative to membership of the legislative fiscal committee and the legislative budget assistant and making an appropriation therefor.

Rep. Palumbo moved that the House stand in recess for the purpose of Enrolling Reports and Senate Messages that the House will nonconcur and

request a Committee of Conference on, and that when the House recess it recess to the call of the Chair.

Adopted.

The House recessed at 5:35 p.m.

RECESS

(Rep. Palumbo in the Chair)

SENATE MESSAGE  
REQUESTS CONCURRENCE WITH AMENDMENT

HB 479, relative to delaying condominium conversions following certain rental increases. (Amendment printed SJ 5/7)

Rep. Parker moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Parker, Reardon, Weddle and McKee.

RECESS

CONFEREES CHANGES

HB 595 - Sen. Heath replaces Sen. Charbonneau

HB 165 - Rep. Zajdel replaces Rep. Guay

HB 296 - Rep. Palumbo replaces Rep. Fraser

SB 62 - Sen. Heath replaces Sen. Charbonneau

(Rep. Palumbo in the Chair)

SENATE MESSAGE  
REQUESTS CONCURRENCE WITH AMENDMENT

HB 554-FN, to revise municipal tax sale practices.

Rep. Ezra Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Grodin, Bates, West and Ruth Gage.

RECESS

(Deputy Speaker Burns in the Chair)

Rep. Phelps moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 25

*Tuesday, 12 May 87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by Deputy Speaker Burns.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Gracious God, we give You thanks this day for the freedoms of this land, and the gifts You have granted to us. You have made us in Your image, and have placed before us countless paths which we may follow. Likewise You have given us freedom in what we believe and in what we doubt.

Look deeply into our hearts, O God, and remind us that we are to judge not, lest we be judged. Take from us any feelings of self-righteousness, so that we may gather this day with pure hearts, and with the sole desire to serve all the people of this state.

And so, as we are gathered, renew in us the desire to listen with care and to speak with compassion. Amen.

Rep. Mary Sullivan led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Olimpio, Ann Derosier, Boisvert, George Gordon, Lussier, Robert Kelley, McManus and Dupont, the day, illness.

Reps. Laurion, Rehlander, Perry, Baker, Wagner, Wood, Brown, Parks, Clark, Guay, Musler, Cusson, Gerald Smith, Beaupre, Michael Jones, Keefe, Mayhew, Crystal, Bennett, Mary Holmes and McKinney, the day, important business.

Rep. Soucy, the day, death in the family.

Reps. Joseph MacDonald and Boutwell, the day, illness in the family.

## INTRODUCTION OF GUESTS

Dorothy Boucher, wife of Rep. Lionel Boucher; Marion McLane Read and former Rep. Robin McLane, daughter and wife of Rep. Read; Carol, Diana and Vincent J. Palumbo, III, wife and children of Rep. Palumbo; Jeanne Nelson, wife of Rep. Nelson; Susan Desrosiers, wife of Rep. William Desrosiers; Lillian, Scott and John Burns; Esther Currier, Stephanie and Jean Kimball, family of Deputy Speaker Burns.

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

HB 508, authorizing transfers within a program appropriation unit of the department of health and human services. (Amendment printed SJ 5/7)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sochalski, Butler, Bates and Copenhagen.

HB 228, legalizing certain town and district meetings. (Amendment printed SJ 5/7)

Rep. Ezra Mann moved that the House concur.  
Adopted.

HB 562, relative to fireworks. (Amendment printed SJ 5/7)

Rep. Benton moved that the House concur.  
Adopted.

HB 36, relative to alimony and property settlements and fault grounds in divorce. (Amendment printed SJ 4/21)

Rep. Alf Jacobson moved that the House concur.  
Adopted.

HB 370-FN-A, relative to employment opportunity. (Amendment printed SJ 5/7)

Rep. Sochalski moved that the House concur.  
Adopted.

HB 364, establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation therefor.

Rep. Elizabeth Greene moved that the House concur.  
Adopted.

#### REFUSED TO ACCEDE REQUEST FOR COMMITTEE OF CONFERENCE

HB 107-FN, relative to sunset review of the department of revenue administration - community services.

HB 437, relative to motorboat and jet ski operation.

#### REQUESTS CONCURRENCE WITH AMENDMENTS

HB 727, relative to the right-to-know law. (Amendment printed SJ 5/7)

Rep. Alf Jacobson moved that the House nonconcur and request a Committee of Conference.

Rep. Koromilas yielded to questions.  
Adopted.

The Speaker appointed Reps. Chretien, Koromilas, Lown and Cote.

HB 641, relative to various motor vehicle laws. (Amendment printed SJ 5/7)

Rep. Irvin Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hoar, George Katsakiores, Nelson and Haynes.

#### NONCONCURRENCE WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 10-A, permitting state participation in a Clean Water Act State Revolving Loan Fund.

The President appointed Sens. Hounsell, Nelson and Delahunty.

Rep. Dickinson moved that the House accede.

Adopted.

The Speaker appointed Reps. Woodward, Cid, Leonard Smith and Vaughn.

SB 1-A, establishing the New Hampshire land conservation investment program and making an appropriation therefor.

The President appointed Sens. Blaisdell, McLane and Hounsell.

Rep. Dickinson moved that the House accede.

Adopted.

The Speaker appointed Reps. Hager, Elizabeth Greene, Howard Townsend and Matson.

SB 125-FN, to appropriate funds for ocean disposal of Rye Harbor dredge material.

The President appointed Sens. Torr, Krasker and White.

Rep. Kidder moved that the House accede.

Adopted.

The Speaker appointed Reps. Elizabeth Greene, Hager, Beverly Gage and Sanderson.

SB 219-FN-A, relative to a state operated multiple DWI offender minimum security detention center and making an appropriation therefor.

The President appointed Sens. White, Stephen and Krasker.

Rep. Alf Jacobson moved that the House accede.

Adopted.

The Speaker appointed Reps. Alf Jacobson, Lozeau, Dexter and Cote.

SB 200-FN, permitting group II state employee members who reach age 60 to make an election for retirement benefits.

The President appointed Sens. Delahunty, Blaisdell and Freese.

Rep. Hawkins moved that the House accede.

Adopted.

The Speaker appointed Reps. Hawkins, Richard Campbell, Mace and Ramsay.

SB 231, relative to manufactured housing zoning.

The President appointed Sens. Krasker, Podles and St. Jean.

Rep. Ezra Mann moved that the House accede.

Adopted.

The Speaker appointed Reps. Ezra Mann, Brungot, Perry and Normandin.

SB 180-FN-A, relative to restoring the original state house and making an appropriation therefor.

The President appointed Sens. St. Jean, Dupont and Bartlett.

Rep. Pearson moved that the House accede.

Adopted.

The Speaker appointed Reps. Pearson, Marsh, Driscoll and Callaghan.

SB 174-FN, establishing a committee to study retirement system benefits.

The President appointed Sens. Freese, Roberge and Bond.

Rep. Hawkins moved that the House accede.

Adopted.

The Speaker appointed Reps. McCain, Ann Torr, Richard Campbell and Pelley.

SB 161-FN, relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor.

The President appointed Sens. Delahunty, Freese and Pressly.

Rep. Hawkins moved that the House accede.

Adopted.

The Speaker appointed Reps. Hawkins, Richard Campbell, Mace and Ramsay.

SB 134-FN, to commission a study of an environmental risk insurance fund and making an appropriation therefor.

The President appointed Sens. Delahunty, Bond and Roberge.

Rep. Christy moved that the House accede.

Adopted.

The Speaker appointed Reps. Christy, Pantzer, Patricia Foss and Buckley.

SB 130-FN-A, relative to the trust fund for the prevention of child abuse and neglect and making an appropriation therefor.

The President appointed Sens. Krasker, Podles and Bond.

Rep. Beverly Gage moved that the House accede.

Adopted.

The Speaker appointed Reps. Beverly Gage, Hager, Bean and Wallner.

SB 6-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor.

The President appointed Sens. Freese, Dignard and Delahunty.

Rep. Elizabeth Greene moved that the House accede.

Adopted.

The Speaker appointed Reps. Shriver, Bowler, Elizabeth Greene and Popov.

SB 75-A, authorizing the study of the feasibility of reconstructing U.S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor.

The President appointed Sens. Blaisdell, Delahunty and Dupont.

Rep. Pearson moved that the House accede.

Adopted.

The Speaker appointed Reps. Pearson, Marsh, Driscoll and Callaghan.

SB 212-FN-A, increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor.

The President appointed Sens. Torr, Dupont and Nelson.

Rep. Dickinson moved that the House accede.

Adopted.

The Speaker appointed Reps. Woodward, Thomas Gage, Leonard Smith and Vaughn.

#### CONCURRENCE

HB 103-FN, relative to sunset review of the office of legislative services - administrative procedures division and amending the administrative procedure act.

HB 136-FN, relative to sunset review of public utilities commission - gas pipeline carriers.

HB 367-FN-A, establishing a study committee to examine the cooperative extension service.

HB 465, relative to the protection of employees who report violations of law or refuse to execute illegal directives.

HB 700-FN, permitting Group II members who reach age 65 to make an election for retirement benefits.

HB 706-FN, increasing the per diem allowance for county delegation meetings.

HB 722, relative to small loans.

HB 171, relative to sunset review of New England water pollution control commission.

#### NONCONCURRENCE

CACR 2, relating to the term of governor. Providing that the term shall be 4 years.

HB 87, revising the definition of "person" in the statutory construction chapter.



HB 470, establishing a department of commerce and establishing an international trade study commission.

HB 667-FN, directing the legislative facilities committee to conduct a study of salaries for unclassified state employees and making an appropriation therefor.

HB 570-FN, establishing a department of natural resources.

HB 406, relative to the priority of unpaid employee wages in insolvency proceedings.

HB 195, prohibiting the taking of private property by eminent domain for the siting of a nuclear power plant or a low-level radioactive waste disposal facility.

HB 568-FN, prohibiting the transportation, production, burial and storage of high-level radioactive material in the state of New Hampshire.

#### RE-REFERRED TO COMMITTEE

HB 293-FN-A, relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.

HB 418, relative to mutual holding companies.

HB 532, allowing real estate firms or brokers to establish interest-bearing trust accounts.

HB 571-FN, relative to the certification and financial management of life care facilities.

HB 708, relative to excess electric generating capacity.

#### CONCURRENCE WITH AMENDMENTS

SB 40-FN-A, relative to catastrophic aid, and making an appropriation therefor.

SB 86-FN-A, relative to a memorial for Governor Sherman Adams.

SB 145-FN, relative to study of the state classification system and making an appropriation therefor and directing the facilities committee to conduct a study of salaries for unclassified state employees and making an appropriation therefor.

SB 78-FN-A, relative to benefits for a spouse upon the death of a retired group 11 member.

SB 153-FN, relative to planning for the long-range energy requirements of the state.

SB 175-FN, providing a cost of living increase for New Hampshire retirement system and teachers' retirement system members.

SB 63-FN-A, acquiring land on the Connecticut River and making an appropriation therefor.

SB 26, prohibiting homosexuals from adopting, being foster parents, or running day care centers.

SB 72, relative to the industrial development authority and industrial development revenue bonds.

SB 76, relative to records management and archives.

#### COMMITTEE OF CONFERENCE REPORT ON SB 233

The committee of conference to which was referred Senate Bill 233-FN, An Act relative to capital budget requests for airports in the state, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Torr, White and Krasker.

Conferees on the Part of the House:

Reps. Swope, Chamberlin, Kenneth Wheeler and Levesque.

Rep. Swope moved that the House adopt the Committee of Conference report.

Report adopted.

#### CONFEREE CHANGES

HB 322 - Rep. Durant replaces Rep. Copenhaver

HB 435 - Rep. Austin replaces Rep. Fraser

HB 695 - Rep. Francis Robinson replaces Rep. C. William Johnson

#### ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 435-FN, creating a committee to study head injuries in New Hampshire and relative to health care for the indigent.

The President appointed Sens. Krasker, Bond and White.

HB 152, relative to sunset review of the board of education - administration and support.

The President appointed Sens. Disnard, Hough and Bond.

HB 348, relative to the division for children and youth services and appropriating funds for certain employee benefits.

The President appointed Sens. White, Bond and Nelson.

HB 165-FN, relative to sunset review of department of employment security and relative to appellate procedure in such department.

The President appointed Sens. Delahunty, Blaisdell and Bond.

HB 133-FN, relative to sunset review of state liquor commission - merchandising and relative to the state liquor commission.

The President appointed Sens. St. Jean, Dupont and Preston.

HB 167-FN, relative to sunset review of the department of postsecondary vocational-technical education.

The President appointed Sens. Disnard, Bond and Nelson.

HB 224-FN, establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible.

The President appointed Sens. Preston, Torr and Hounsell.

HB 355, relative to the assumption of local probation functions by the state and making an appropriation therefor.

The President appointed Sens. Podles, White and Nelson.

HB 433, relative to the termination of county employees.

The President appointed Sens. Freese, White and Heath.

HB 434, relative to the public employee labor relations board.

The President appointed Sens. Delahunty, Blaisdell and Roberge.

HB 479, relative to delaying condominium conversions following certain rental increases.

The President appointed Sens. White, Heath and Stephen.

HB 554-FN, to revise municipal and tax sale practices.

The President appointed Sens. St. Jean, Dupont and Podles.

HB 629-FN, relative to the administration and investments of the New Hampshire retirement system.

The President appointed Sens. Delahunty, Freese and Blaisdell.

HB 695-FN, relative to committal orders for persons found not guilty by reason of insanity.

The President appointed Sens. Podles, White and Preston.

HB 704-FN, relative to the safety of facilities gathering, transmitting and distributing petroleum gas.

The President appointed Sens. Bartlett, St. Jean and Preston.

HB 725-FN, relative to the attorney general.

The President appointed Sens. Bartlett, Dupont and Stephen.

HB 345-FN-A, relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor.

The President appointed Sens. Bartlett, Podles and Nelson.

HB 322-FN-A, relative to AIDS virus and making an appropriation therefor.

The President appointed Sens. Krasker, White and Podles.

HB 296-FN-A, establishing a department of securities and making an appropriation therefor.

The President appointed Sens. Delahunty, Blaisdell and Freese.

HB 276-FN-A, relative to the rate of the real estate transfer tax.

The President appointed Sens. Roberge, Bartlett and Blaisdell.

HB 201-FN, relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property.

The President appointed Sens. Torr, Nelson and Chandler.

HB 144-FN, relative to the sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles.

The President appointed Sens. Hounsell, Krasker and McLane.

HB 126-FN, relative to sunset review of the commission on the status of women and making certain changes relative to the commission.

The President appointed Sens. Bond, Disnard and Pressly.

HB 65, restricting power boats on Lake Wicwas in the town of Meredith.

The President appointed Sens. Hounsell, Heath and Krasker.

HB 10-FN-A, relative to state employee salaries and judicial salaries and making an appropriation therefor.

The President appointed Sens. Blaisdell, Hough and McLane.

HB 104, relative to sunset review of the office of state planning.

The President appointed Sens. Hounsell, Dupont and Krasker.

HB 112-FN, relative to sunset review of the board of chiropractic examiners.

The President appointed Sens. Freese, Dupont and Stephen.

HB 142-FN, relative to sunset review of the fish and game department - administration and support.

The President appointed Sens. Hounsell, McLane and Krasker.

## VETO MESSAGE ON HB 503

To the Honorable members of the General Court:

I have this day vetoed HB 503, relative to the regulation of existing weirs. I have done so subsequent to careful review of the legislation and after hearing from the New Hampshire Fish and Game Department and its Commission, who have strongly urged that the bill be vetoed.

In requesting that I veto this legislation, the Fish and Game Department indicated to me that if HB 503 were enacted, it would significantly block their efforts to continue the restoration of anadromous (spawning) fish resources in the Lamprey River. In the past, the Lamprey River has been found to be an appropriate area for such restoration endeavors.

It is the Department's position that passage of this legislation may have potentially devastating effects on the anadromous fish program now being undertaken. This program is of significant import to many sportsmen and environmentalists in the State of New Hampshire.

John H. Sununu, Governor

The Clerk read the veto message.

Question being, shall HB 503 pass, notwithstanding the Governor's veto.

Reps. Blanchette, Drake, William Boucher, Copenhaver, Rounds and Palumbo spoke in favor.

Rep. Felch spoke in favor and yielded to questions.

YEAS 330 NAYS 10

YEAS 330

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Locke, Maviglio, Pearson, Randall, Lawrence Richardson, Thurston, Turner and Wixson.

CARROLL: Allard, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Powers and Schofield.

CHESHIRE: Blacketer, Cole, Daschbach, Jesse Davis, Delano, Doucette, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Miller, Parker, Pierce, Ramsay, William Riley, Sawyer and Schwartz.

COOS: Brady, Brungot, Coulombe, Frederic Foss, Horton, Kilbride, Lemire, Marsh, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Densmore, Driscoll, Hammond, Michael King, Wayne King, LaMott, Lougee, Ezra Mann, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baldizar, Bass, Lionel Boucher, Bourque, Bowers, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Cowenhoven, Cox, Daigle, Gerard Desrochers, William Desrosiers, William Dion, Paul Dionne, Domaingue, Donovan, Drolet, Dube, Ducharme, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Grip, Guilbert, Betty Hall, Marian Harrington, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Donna Kelly, Alice Knight, Korcoulis, Kurk, Leclerc, Lefebvre, Long, Lown, Lozeau, Magee, Mason, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrissette, Mulligan, Robert Murphy, O'Rourke, Packard, Paquette, Pariseau, Perham, Pignatelli, Prestipino,

Price, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Steiner, Stiles, Sullivan, Tarpley, Turgeon, Vanderlosk, Ware, Watson, Emma Wheeler, Kenneth Wheeler, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Laurent Boucher, Cahill, James Chandler, Fillion, Gilbreth, Gross, Hager, Douglas Hall, Hayes, Hess, Alf Jacobson, C. William Johnson, Kidder, Burton Knight, Lockwood, Merton Mann, Manus, Millard, Pantzer, Phelps, Provencal, Doris Riley, Walter Robinson, Stio, Tupper, Wallner, West and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Benton, Blaisdell, Blanchard, Blanchette, William Boucher, Buco, Butler, Eunice Campbell, Marilyn Campbell, Carpenito, Conroy, Cooke, Cressy, Cushing, Drake, Ellyson, Felch, Fesh, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Maurice MacDonald, Mace, Magoon, William F. McCain, McGovern, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vartanian, Vaughn, Walker, Warburton, Weddle, Welch, Wells, Woodward and Wright.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Kincaid, Kinney, Koromilas, Martling, William McCann, Pelley, Proulx, Francis Robinson, Spear, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Domini, Flint, Krueger, Lindblade, McKee, Normandin, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 10

BELKNAP: None.

CARROLL: Saunders.

CHESHIRE: Morse.

COOS: None.

GRAFTON: Walter.

HILLSBOROUGH: Granger, Levesque, Pappas and Stonner.

MERRIMACK: Lewis.

ROCKINGHAM: Malcolm.

STRAFFORD: None.

SULLIVAN: Ingram, and the veto was overridden by the necessary two-thirds.

SENATE MESSAGE  
NONCONCURRENCE WITH AMENDMENTS  
REQUESTS COMMITTEE OF CONFERENCE

SB 183-FN, relative to coverage for mental or nervous conditions.  
The President appointed Sens. Delahunty, Roberge and Blaisdell.  
Rep. Christy moved that the House accede.  
Adopted.

The Speaker appointed Reps. Sara Townsend, Patricia Foss, Lindblade and Price.

SB 64, legalizing the New London - Springfield water system precinct meeting of March 18, 1986.

The President appointed Sens. Johnson, Heath and Krasker.  
Rep. Ezra Mann moved that the House accede.  
Adopted.

The Speaker appointed Reps. Ezra Mann, Perry, Golden and Ruth Gage.

SB 176-FN-A, changing financial disclosure requirements.  
The President appointed Sens. St. Jean, Dupont and Podles.  
Rep. Robert Kelley moved that the House accede.  
Adopted.

The Speaker appointed Reps. Palumbo, Harold Burns, Beverly Gage and Bourque.

SB 192-FN, relative to membership of the legislative fiscal committee and the legislative budget assistant and making an appropriation therefor.  
The President appointed Sens. Bartlett, Dupont and Disnard.  
Rep. Robert Kelley moved that the House accede.  
Adopted.

The Speaker appointed Reps. Palumbo, Harold Burns, Beverly Gage and Densmore.

SB 34, relative to the advisory budget control committee and the fiscal committee.

The President appointed Sens. Bartlett, Dupont and Disnard.  
Rep. Palumbo moved that the House accede.  
Adopted.

The Speaker appointed Reps. Palumbo, Harold Burns, Beverly Gage and Bourque.

SB 85-FN, establishing a special environmental court within the Manchester district court.

The President appointed Sens. Podles, Nelson and Chandler.  
Rep. Alf Jacobson moved that the House accede.  
Adopted.

The Speaker appointed Reps. Thomas Gage, Lown, Moore and Dwyer.

SB 41, relative to unclassified state employees.  
The President appointed Sens. Freese, Stephen and Delahunty.  
Rep. McCain moved that the House accede.  
Adopted.

The Speaker appointed Reps. Hawkins, McCain, Ann Torr and Pelley.

SB 232-FN, relative to the board of barbering and cosmetology.  
The President appointed Sens. Freese, Disnard and Delahunty.  
Rep. McCain moved that the House accede.  
Adopted.

The Speaker appointed Reps. McCain, Cusson, Mace and Ann Torr.



SB 197-FN, relative to alarm installers.

The President appointed Sens. Freese, Dupont and Pressly.

Rep. McCain moved that the House accede.

Adopted.

The Speaker appointed Reps. McCain, Hawkins, Mace and Cusson.

SB 106, relative to the responsibilities of the commissioner of safety.

The president appointed Sens. Dupont, Freese and Disnard.

Rep. McCain moved that the House accede.

Adopted.

The Speaker appointed Reps. Hawkins, McCain, Ann Torr and Pelley.

#### CONFEREES CHANGES

SB 64 - Rep. Palumbo replaces Rep. Perry

SB 90 - Rep. Phelps replaces Rep. Paul Dionne

SB 183 - Rep. Packard replaces Rep. Lindblade

HB 224 - Rep. Burton Knight as an alternate

#### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 294, exempting the sale of a manufactured housing park to a tenants association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants association before selling the park. (Amendment printed SJ 5/7)

Rep. Parker moved that the House concur.

Adopted.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 14 at 11:00 a.m.

Adopted.

#### PERSONAL PRIVILEGE

Rep. Lefebvre addressed the House under Personal Privilege.

Rep. Palumbo moved that the House stand in recess for the purposes of Enrolling Reports and the appointment of Committee of Conference conferees only.

Adopted.

The House recessed at 3:09 p.m.

#### RECESS

#### CONFEREES CHANGES

SB 219 - Rep. Sytek replaces Rep. Lozeau

SB 174 - Rep. Hawkins replaces McCain; Rep. Kenneth MacDonald replaces Rep. Ann Torr; Rep. Richardson replaces Rep. Pelley

SB 231 - Rep. Grodin replaces Rep. Perry

SB 176 - Rep. Densmore replaces Rep. Bourque

SB 90 - Rep. Powers replaces Rep. Gelinias

HB 124 - Rep. McCain replaces Rep. Nancy Ford

SB 125 - Rep. Vaughn replaces Rep. Sanderson  
HB 434 - Rep. Reidy replaces Rep. Blanchette  
HB 168 - Rep. Pelley replaces Rep. Rosencrantz  
HB 126 - Rep. Ann Torr replaces Rep. Schneiderat  
HB 725 - Rep. Ann Torr replaces Rep. Schneiderat  
HB 727 - Rep. Hollingworth replaces Rep. Cote  
HB 692 - Rep. Bates replaces Rep. Lawrence Chase  
SB 161 - Rep. Kenneth MacDonald replaces Rep. Mace; Rep. Lawrence Richardson replaces Rep. Ramsay

(Rep. Palumbo in the Chair)

#### SENATE MESSAGES

The Senate has reconsidered its action whereby it refused to accede to the request of a Committee of Conference on HB 107, relative to sunset review of the department of revenue administration - community services, and has named the following conferees:

Sens. Bartlett, Dupont and St. Jean.

Rep. Ward moved that the House accede.

Adopted.

The Speaker appointed Reps. Ward, Marian Harrington, Frechette and Cowenhoven.

#### ENROLLED BILLS REPORT

SB 80, amending the statutory speed limit on certain highways of the state.

SB 91, establishing a commission to evaluate the foundation aid formula.

SB 193, reinstating certain corporate charters.

HB 66, permitting the revival of certain corporate charters.

HB 153, relative to sunset review of the board of education - financial aids.

HB 154, relative to sunset review of the board of education - special services.

HB 155, relative to sunset review of the board of education - food and nutrition.

HB 255, dedicating a portion of the federal Wallop-Breaux funds, with state matching funds, for the establishment of boat launching access and making an appropriation therefor.

HB 281, establishing a study committee on teacher shortages and salaries.

HB 284, making an appropriation for a conference on day care.

HB 363, relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes, and creating a division of automated information systems in the department of revenue administration.

HB 376, relative to Alzheimer's disease and related disorders and making an appropriation therefor.

HB 408, relative to establishing a uniform fine schedule for boating violations.

HB 509, relative to boat maintenance or repair plates.

HB 552, relative to deputy sheriffs and making an appropriation therefor.

HB 578, relative to unemployment compensation.

HB 624, relative to survivors' benefits of New Hampshire permanent firemen's retirement system members receiving disability retirement benefits.

HB 668, relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities.

HB 679, relative to buyers of farm products and distribution of funds to agricultural fairs, and making an appropriation to the secretary of state for a central indexing system for security interests in farm products.

HB 682, establishing a procedure for enforcing the payment of parking fines.

HB 696, relative to interest payment calculations under the New Hampshire retirement system and making an appropriation therefor.

HB 717, relative to membership on planning boards.

CACR 21, relative to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court.

SB 56, relative to false personation of a law enforcement officer or investigator.

SB 109, expanding the prohibition on possession of dangerous weapons by felons.

SB 138, relative to sessions for correcting the checklist.

SB 228, relative to disobeying a law enforcement officer.

HB 216, making an appropriation for the driver training program.

HB 263, establishing the arts development program and making an appropriation therefor.

HB 273, relative to congregate services programs and making an appropriation therefor.

HB 338, relative to the senior companions and foster grandparents programs and making an appropriation therefor.

HB 347, relative to the dental hygienist program at the New Hampshire technical institute and making an appropriation therefor.

HB 458, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations.

HB 576, relative to workers' compensation lump sum payments and state retirement benefits.

HB 630, relative to the reduction in benefits for group I members of the New Hampshire retirement system who retire before age 60.

HB 651, relative to compensation of district court justices and special justices.

HB 658, relative to the nursing scholarship program and private trade schools.

Rep. Natalie S. Flanagan  
For the Committee.

RECESS

(Rep. McCain in the Chair)

#### ENROLLED BILLS REPORT

SB 71, adopting the uniform fraudulent transfer act.

SB 172, regulating the taking of certain wildflowers and plants in New Hampshire.

SB 187, relative to the Weeks traffic circle.

HB 62, relative to establishing salaries of county officers.

HB 90, relative to membership on the New Hampshire automated information systems board.

HB 102, relative to sunset review of office of legislative services.

HB 117, relative to sunset review of board of medicine.

HB 238, relative to establishing a memorial to Christa McAuliffe and making an appropriation therefor.

HB 306, limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River Pond in the town of Wakefield.

HB 402, relative to habitual offenders.

HB 439, relative to child passenger restraints.

HB 579, relative to combining the Peterborough and Jaffrey district courts and providing for the tenure of justices when judicial districts are combined.

HB 492, relative to motor vehicle certificates of origin, joint ownership, and fraud; and relative to motor vehicle titles and dealer bonds.

HB 597, relative to the residency requirement for the elderly, expanded elderly, and adjusted elderly property tax exemptions.

HB 613, relating to security deposits of insurance companies.

HB 666, relative to medical insurance payments for incarcerated persons.

HB 718, clarifying certain planning and zoning statutes.

Rep. Natalie S. Flanagan

For the Committee.

#### CONFEREES CHANGES

HB 65 - Sen. Preston replaces Sen. Hounsell

HB 276 - Sen. Dupont replaces Sen. Roberge

SB 183 - Rep. Densmore replaces Rep. Price

SB 229 - Rep. Phelps replaces Rep. Watson; Rep. Buckley replaces Rep. Baker

HB 133 - Rep. McCain replaces Rep. Simon; Rep. Beverly Gage replaces Rep. McKinney; Rep. Chambers replaces Rep. William Dion

SB 212 - Rep. Bardsley replaces Rep. Thomas Gage

HB 296 - Rep. Reardon replaces Rep. Copenhagen; Rep. Harold Burns replaces Rep. Packard

SB 229 - Rep. Reardon replaces Rep. Buckley

SB 178 - Rep. Richardson replaces Rep. Ann Torr; Rep. Campbell replaces Rep. Pelley

HB 725 - Rep. Ann Torr replaces Rep. Schneiderat

#### RECESS

(Speaker in the Chair)

Rep. Harold Burns moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 26

*Thursday, 14 May 87*

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Almighty God of every generation, who did lead our forebears as they charted the vision of this new Nation, we praise Your name and offer our heartfelt thanks.

We honor those who dreamed the dreams, and who were willing to pay the price to make the dreams into reality. We remember those whom history has forgotten -- the quiet yet faithful men and women who have kept the vision across these two centuries.

Remind us, O God of justice, that our greatest enemy is neglect. We sometimes abuse our freedom by taking it for granted. We sometimes label people and consider some more equal than others. We sometimes sit silently when the Constitution seems to contradict our own opinions.

Open our eyes and ears and hearts, and grant this day that we may never falter in preserving and defending the genius of our Constitution, and the people whom it serves so well.

Grant also, that we may recognize and welcome new challenges and opportunities. As Your spirit moves upon our world, our nation and our State. Amen.

The First Newmarket Militia Company presented the Colors.

Rep. Parr led the Pledge of Allegiance.

Reps. Palumbo and Chambers moved that the Senate be notified that the House is ready to meet in Joint Convention for the purpose of a Special Bicentennial Celebration of the Constitutional Convention and an address by presidential candidate, Pierre duPont.

Adopted.

## JOINT CONVENTION

(Speaker presiding)

"The Constitution Song" was sung by David Shepard, Composer, accompanied by Tia Tesso.

The Speaker introduced Richard F. Upton, Esquire who addressed the House briefly.

The Speaker introduced former Governor of Delaware and presidential candidate, Pierre duPont, who addressed the House briefly.

The song "Compromise" was sung by David Shepard and Tia Tesso.

Sen. Dupont and Rep. Palumbo moved that the Joint Convention arise.  
Adopted.

The Joint Convention adjourned.

#### HOUSE

(Deputy Speaker Burns in the Chair)

#### LEAVES OF ABSENCE

Reps. McManus, Lussier, Nixon, Nagel and Brady, the day, illness.

Reps. Vanderlosk, Dickinson, Paul Dionne, Michael Jones, Laurion, Wagner, Wood, Brown, Guay, Musler, Nancy Ford, Gordon Arnold, Vaughn, Gene Chandler, Marilyn Campbell, Gerald Smith, Pantelakos, Scanlan, Mayhew, Proulx and Allard, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

#### INTRODUCTION OF GUESTS

Christopher McRae, son of Rep. McRae; 4th grade students from the Allenstown Elementary School and their teacher Mrs. Jeffrey, guests of the Allenstown Delegation; Helen West and Marjorie Bryant, wife and guest of Rep. West; Victor Spaulding, guest of Rep. Herbert Richardson; student from the Saint Bani Ashram School in Sanborton, guests of Rep. Maviglio.

#### SENATE MESSAGES

##### ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 727, relative to the right-to-know law.

The President appointed Sens. Podles, White and Nelson.

HB 508, authorizing transfer within a program appropriation unit of the department of health and human services.

The President appointed Sens. Krasker, White and Podles.

HB 641, relative to various motor vehicle laws.

The President appointed Sens. Preston, Johnson and Torr.

##### NONCONCURRENCE WITH COMMITTEE OF CONFERENCE REPORT

##### REQUESTS NEW COMMITTEE OF CONFERENCE REPORT

HB 167, relative to the sunset review of the department of vocational-technical education

The President appointed Sens. Disnard, Bond and Nelson.

HB 83, relative to the Cornish-Windsor bridge and making an appropriation therefor.

The President appointed Sens. Torr, Chandler and Preston.

#### ADOPTION OF COMMITTEE REPORTS

SB 233, relative to capital budget requests for airports in the state.

SB 12, relative to the operation of motors on Clarksville Pond in the town of Clarksville.

HB 45, relative to maternity and infancy.

HB 145, relative to sunset review of New Hampshire port authority.

HB 177, relative to sunset review of veterinary/medical/optometric education program and amending such program.



HB 595, changing the time and place for holding the first meeting of the county convention.

COMMITTEE OF CONFERENCE REPORTS

HB 45, relative to maternity and infancy. (Report printed SJ 5/13)  
The Clerk read the report.  
Report adopted.

HB 145, relative to sunset review of New Hampshire port authority.  
(Report printed SJ 5/13)  
The Clerk read the report.  
Report adopted.

Rep. James Chandler moved that the reading of the reports be dispensed with as they were already distributed.  
Adopted.

HB 177-FN, relative to sunset review of veterinary/medical/optometric education program and amending such program. (Report printed SJ 5/13)  
Report adopted.

HB 595, changing the time and place for holding the first meeting of the county convention. (Report printed SJ 5/13)  
Report adopted.

SENATE MESSAGE  
GOVERNOR'S VETO OVERRIDDEN

HB 503, relative to regulation of existing weirs.

COMMITTEE OF CONFERENCE REPORT ON SB 64

The committee of conference to which was referred Senate Bill 64, An Act legalizing the New London - Springfield water system precinct meeting of March 18, 1986, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.  
Conferees on the Part of the Senate:

Sens. Johnson, Heath and Krasker

Conferees on the Part of the House:

Reps. Ezra Mann, Palumbo, Golden and Ruth Gage

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 125-FN

The committee of conference to which was referred Senate Bill 125-FN, An Act to appropriate funds for ocean disposal of Rye Harbor dredge material, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Coastal Projects. Amend 1985, 409:1, IX as amended by 1986, 209:1 to read as follows:

IX. Resources and Economic Development

A. Ski lift renovation and replacement, and snowmaking and trail improvements - Mt. Sunapee, Cannon Mt.	\$3,910,000
B. [Marine repairs, dredging - Hampton, Portsmouth and Rye harbor] Coastal projects	[920,000]
1. Hampton, Portsmouth harbor - marine repairs and dredging	\$ 520,000
2. Rye harbor projects	<u>450,000</u>
Total state appropriation subparagraph B	\$ 970,000
C. Safety modifications and sewage Franconia Notch state park	155,000
D. Lodge expansion, water and sewer improvements - Mt. Sunapee state park	160,000
E. Building repairs, parking and sewer improvements - Wallis Sands state park	290,000
F. Handicapped facilities - state campgrounds	250,000
G. Power and water - state campgrounds	250,000
H. Safety hazards, building and sewer repairs Fort Stark	140,000
I. Parking and building repairs Franconia Notch state park	<u>170,000</u>
Total state appropriation paragraph IX	[\$ 6,245,000] \$6,295,000

(A sum not exceeding 1-1/2 percent of the total capital appropriation made in section 1, IX, A, may be utilized for the purpose of contract or in-house engineering services for design, maintenance, and supervision. The appropriation made in section 1, IX, A for the department of resources and economic development shall not be expended, encumbered or obligated in any way without the approval of the capital budget overview committee.)

2 Total Changed. Amend 1985, 409:9 as amended by 1986, 209:8 by replacing the total state appropriation section 1 with the following:

\$18,823,620

3 Bonding Authorization Changed. Amend 1985, 409:121, I as amended by 1986, 209:9 to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$22,886,620] \$22,936,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill, as amended, appropriates \$970,000 to the department of resources and economic development for coastal projects.

Conferees on the Part of the Senate:

Sens. Torr, Krasker and White

Conferees on the Part of the House:

Reps. Elizabeth Greene, Hager, Beverly Gage and Vaughn

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 130-FN-A

The committee of conference to which was referred Senate Bill 130-FN-A, An Act relative to the trust fund for the prevention of child abuse and neglect, and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 169-C:39, I as inserted by section 4 of the bill by replacing it with the following:

I. There is hereby established in the New Hampshire Charitable Fund a special fund to be known as the trust fund for the prevention of child abuse and neglect. The sole purpose of the fund shall be to make regular payments of interest as defined in RSA 169-C:39-b, VI to the New Hampshire child abuse trust fund board for programs as defined in RSA 169-C:39-b, IV, and said moneys shall not be available for any other purpose. The trust fund established in this paragraph shall be held and administered as a component fund of the New Hampshire Charitable Fund, subject to its articles of agreement and bylaws, except that no change in the purpose of the fund as stated in the preceding sentence shall be made without an amendment to this chapter. The New Hampshire Charitable Fund shall provide an annual accounting of the trust fund to the board. The board, with the approval of the attorney general, shall have the responsibility of soliciting moneys from sources other than the general fund, including federal moneys. The board shall deposit any moneys received as a result of solicitation into the trust fund for the prevention of child abuse and neglect. The board may request that the New Hampshire Charitable Fund assist them or their designee in connection with the solicitation of moneys from sources other than the general fund. The New Hampshire Charitable Fund shall be entitled to make an administrative charge against the trust fund for the prevention of child abuse and neglect for investment services and administrative services in an amount comparable to that charged to other funds administered by the New

Hampshire Charitable Fund, subject to negotiation between the New Hampshire Charitable Fund and the board. Such administrative charge shall be in addition to the administrative expenses payable under RSA 169-C:39-c, IV.

Amend the bill by replacing sections 9 and 10 with the following:

9 Rulemaking. Amend the introductory paragraph of RSA 169-C:39-h to read as follows:

169-C:39-h [Guidelines] Rulemaking. The [attorney general] board [, in consultation with the division for children and youth services and the board of trustees,] shall [develop guidelines] adopt rules under RSA 541-A relative to:

10 Appropriation. The sum of \$115,000 is hereby appropriated for the biennium ending June 30, 1989, to the board established in RSA 169-C:39-c, I for the administrative expenses of soliciting moneys with the approval of the attorney general for the trust fund for the prevention of child abuse and neglect. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

11 Disbursement Plan. The New Hampshire child abuse trust fund board established in RSA 169-C:39-d shall develop a plan for disbursement of trust fund moneys. Before implementing the plan, the board shall submit the plan by December 1, 1988, to the fiscal committee for approval.

12 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sens. Krasker, Podles and Bond

Conferees on the Part of the House:

Reps. Beverly Gage, Hager, Bean and Wallner

Rep. Beverly Gage explained the report.

Rep. Spaulding moved that the House nonconcur with the report and appoint a new Committee of Conference, spoke to her motion and withdrew her motion.

Rep. Wallner spoke to the report and yielded to questions.

Rep. Sytek moved that the House nonconcur with the report and appoint a new Committee of Conference and spoke to her motion.

Adopted.

The Speaker appointed Reps. Scamman, Hager, Bean and Wallner.

#### COMMITTEE OF CONFERENCE REPORT ON SB 178-FN

The committee of conference to which was referred Senate Bill 178-FN, An Act permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire Retirement system having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Disnard, Bond and Johnson

Conferees on the Part of the House:

Reps. Hawkins, McCain, Richardson and Richard Campbell

Question being on the adoption of the report.

On a voice vote, the Speaker was in doubt and requested a division.

192 members having voted in the affirmative and 75 in the negative, the report was adopted.

(Speaker in the Chair)

## COMMITTEE OF CONFERENCE REPORT ON SB 231-FN

The committee of conference to which was referred Senate Bill 231, An Act relative to manufactured housing zoning having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and  
That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Krasker, Podles and St. Jean

Conferees on the Part of the House:

Reps. Ezra Mann, Brungot, Grodin and Normandin

Reps. Lewis and Kurk spoke against the report.

Rep. Grodin spoke to the report and yielded to questions.

Reps. Rodgers and Ezra Mann spoke to the report.

Rep. Chambers spoke in favor of the report.

A roll call was requested. Sufficiently seconded.

YEAS 227 NAYS 92

YEAS 227

BELKNAP: Bowler, Richard Campbell, Golden, Hardy, Malcolm Harrington, Hawkins, Pearson, Randall, Lawrence Richardson, Thurston and Turner.

CARROLL: Russell Chase, Kenneth MacDonald, McIntire, Olimpio and Powers.

CHESHIRE: Blacketor, Daschbach, Doucette, Daniel Eaton, Foster, Irvin Gordon, Grodin, LaMar, Matson, Parker, Pierce, Ramsay, William Riley, Sawyer and Schwartz.

COOS: Brungot, Harold Burns, Coulombe, Frederic Foss, Horton, Kilbride, Lemire, Marsh, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Arnesen, Chambers, Christy, Copenhaver, Crystal, Densmore, Wayne King, LaMott, Ezra Mann, McAvoy, Rounds, Stewart, Howard Townsend, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Baker, Baldizar, Bass, Bourque, Boutwell, Bowers, Buckley, A. Leslie Burns, Champagne, Chretien, Cote, Cusson, Daigle, Ann Derosier, William Desrosiers, Domainque, Dube, Ducharme, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Frank, Ruth Gage, Gagnon, Genest, Granger, Scott Green, Grip, Guilbert, Betty Hall, Marian Harrington, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Donna Kelly, Korcoulis, Leclerc, Levesque, Long, Lown, Lozeau, Mason, McGlynn, McRae, Messier, Moore, Morrisette, Mulligan, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Pariseau, Perham, Pignatelli, Price, Reardon, Reidy, Herbert Richardson, Rodgers, Leonard Smith, Soucy, Stiles, Sullivan, Turgeon, Watson, Emma Wheeler, Kenneth Wheeler, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Bardsley, Beaton, James Chandler, Fillion, Hager, Douglas Hall, Mary Holmes, Burton Knight, Lockwood, Manus, Nichols, Phelps, Provencal, Walter Robinson, Wallner and West.

ROCKINGHAM: Carl Anderson, Barnes, Blaisdell, Blanchard, William Boucher, Bucu, Butler, Eunice Campbell, Carpenito, Conroy, Cooke, Cressy, Cushing, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Magoon, Malcolm, William F. McCain, McGovern, Newell, Palumbo, Parr, Popov, Read, Ritzo, Rosencrantz, Sanderson, Sochalski, Splaine, Tilton, Vartanian, Warburton, Weddie, Welch, Woodward and Wright.

STRAFFORD: Bates, Callaghan, Anita Flynn, Edward Flynn, Frechette, Jean, Robert Jones, Kinney, Koromilas, Lachance, William McCann, Parks, Pelley, Francis Robinson, Spear, Ann Torr and Ralph Torr.

SULLIVAN: McKee, Normandin, Peyron, Schotanus, Spaulding and Sara Townsend.

#### NAYS 92

BELKNAP: Dexter, Holbrook, Jensen, Maviglio and Wixson.

CARROLL: Robert Holmes and Schofield.

CHESHIRE: Clark, Jesse Davis, Frink, Hunt, Morse and Perry.

COOS: None.

GRAFTON: Adams, Bennett, Blair, Dearborn, Hammond, Lougee and Ward.

HILLSBOROUGH: Ahrens, Barbara Arnold, Beaupre, Burkush, Cid, Cowenhoven, Cox, Donovan, Drolet, Robert Kelley, Alice Knight, Kurk, Lanzara, Lefebvre, Bonnie McCann, Prestipino, Ellen-Ann Robinson, Sallada, Schneiderat, Shriver, Tarpley and Ware.

MERRIMACK: Austin, Laurent Boucher, Gilbreth, Hayes, Hess, Alf Jacobson, C. William Johnson, Kidder, Lewis, Merton Mann, Pantzer, Doris Riley, Stio and Yeaton.

ROCKINGHAM: Benton, Drake, Ellyson, Fesh, John Flanders, Hoar, Joyce, Lovejoy, Mace, McKinney, Schmidtchen, Schwaner, Sherburne, Skinner, Tufts and Wells.

STRAFFORD: Appleby, Bernard, Chamberlin, Dingle, Albert Dionne, Patricia Foss, Sandra Keans, Swope, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Ingram, Krueger, Lindblade and Rodeschin, and the report was adopted.

Rep. Scamman, for the entire House, offered the following:

#### HOUSE CONCURRENT RESOLUTION

commemorating the achievements of Dr. Hubert C. Bird.

Whereas, Dr. Hubert C. Bird's accomplishments as a musical artist in the fields of composition, music education, choral conducting, and vocal performance are internationally recognized; and

Whereas, Dr. Bird joined the music faculty of Keene State College in 1967, having come to our state of New Hampshire by way of Baxter Springs, Kansas, his place of birth; Joplin Junior College in Joplin, Missouri where he received his Associate Degree in Music; and Kansas State College of Pittsburg, Kansas where he was the first student at that institution to



graduate simultaneously with two music Baccalaureate degrees, namely, a Bachelor of Music in voice and composition and a Bachelor of Music Education of choral conducting and where he also received his Master of Science in Music in choral conducting and composition; and

Whereas, in 1977 Dr. Bird was awarded a Doctorate in Musical Arts Composition from the College of Music at the University of Colorado at Boulder where he also studied orchestral conducting; and

Whereas, Dr. Bird has appeared with outstanding choral and orchestral organizations in the United States, including the Denver Symphony, the M.I.T. - Smith College combined choirs, the Amherst College Glee Club, and the Hartford Symphony Orchestra; and

Whereas, Dr. Bird's musical compositions are performed widely throughout the United States and include works for virtually every concert medium, including solo voice, piano, organ, brass quintet, mixed chorus, orchestra, and even handbells; and

Whereas, he has received numerous awards for his extraordinary talents in composition, including the National Composition Prize from the American Guild of Organists, first prize on two occasions in the Ithaca College International Choral Composition Competition, first prize in the national composition competition of the Baroque Choral Guild of California, and the extremely prestigious commission to create a special commemorative work for the United State Bicentennial celebration, which will be performed on July 4, 1987, at Tanglewood in Massachusetts; and

Whereas, in 1986 Dr. Bird was honored by appointment to a residency as guest artist at the prestigious MacDowell Colony in Peterborough, New Hampshire; and

Whereas, Dr. Bird's many outstanding professional accomplishments include serving as tour director for the College Division of U.S.O. Shows International; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the General Court of the State of New Hampshire hereby extends its warmest congratulations to Dr. Bird for his many celebrated accomplishments and wishes Dr. Bird continued professional success in the future.

The Clerk read the resolution.

Unanimously adopted.

RECESS

(Speaker in the Chair)

Rep. Woodward moved that the members be discharged and a new Committee of Conference be appointed on SB 10, permitting state participation in a Clean Water Act Revolving Loan Fund.

Adopted.

The Speaker appointed Reps. Woodward, Cid, Leonard Smith and Vaughn.

RECONSIDERATION

Rep. Ward moved that the House reconsider its action whereby it nonconcurrent with the Senate amendment to HB 361, redefining references to the United States Internal Revenue Code for purposes of the business profits tax, spoke to her motion and yielded to questions.

Rep. Rounds spoke against the motion and yielded to questions.

Reps. Hayes and Palumbo spoke in favor of the motion and yielded to questions.

Reps. Densmore and Chambers spoke against the motion.

Rep. Blacketer spoke in favor of the motion.

Rep. Harold Burns moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 168 NAYS 172

YEAS 168

BELKNAP: Bolduc, Dexter, Hardy, Holbrook, Pearson, Randall, Lawrence Richardson, Thurston and Wixson.

CARROLL: Robert Holmes, Hounsell and Saunders.

CHESHIRE: Blacketor, Jesse Davis, Frink, Irvin Gordon, Grodin, Miller, Morse, Parker and Sawyer.

COOS: Brungot, Harold Burns, Horton, Marsh and Purrington.

GRAFTON: Adams, Bean, Blair, Christy, Driscoll, Hammond, Wayne King, Ezra Mann, McAvoy, Stewart, Howard Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baker, Baldizar, Bass, Beaupre, A. Leslie Burns, Cowenhoven, Daigle, William Desrosiers, Drolet, Ducharme, Dykstra, Clyde Eaton, Fields, Granger, Scott Green, Grip, Hatch, Holden, Cornelius Keane, Keefe, Robert Kelley, Alice Knight, Kurk, Lanzara, Levesque, Lown, Lozeau, Mason, Bonnie McCann, McGlynn, Moore, Packard, Prestipino, Price, Herbert Richardson, Rodgers, Routhier, Sallada, Shriver, Steiner, Stiles, Stonner, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Laurent Boucher, James Chandler, Fillion, Gross, Hager, Hayes, C. William Johnson, Kidder, Lockwood, Manus, Nichols, Pantzer, Phelps, Doris Riley, Stio, West and Whittemore.

ROCKINGHAM: Carl Anderson, Benton, Blaisdell, William Boucher, Buco, Butler, Cooke, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Parr, Ritzo, Simon, Sochalski, Sytek, Vartanian, Welch, Woodward and Wright.

STRAFFORD: Bates, Bernard, Chamberlin, Dingle, Patricia Foss, Frechette, Robert Jones, Kincaid, Koromilas, Martling, Wall and Wilson.

SULLIVAN: Cutting, Domini, Krueger, Lindblade, McKee, Peyron, Rodeschin and Schotanus.

NAYS 172

BELKNAP: Bowler, Richard Campbell, Golden, Malcolm Harrington, Jensen, Maviglio and Turner.

CARROLL: Russell Chase, Kenneth MacDonald, McIntire, Olimpio, Powers and Schofield.

CHESHIRE: Daschbach, Delano, Doucette, Daniel Eaton, Foster, Hunt, LaMar, Matson, Perry, Pierce, Ramsay and Schwartz.

COOS: Coulombe, Frederic Foss, Kilbride, Lemire, Nelson, Oleson and Theriault.

GRAFTON: Arnesen, Bennett, Chambers, Crystal, Dearborn, Densmore, Michael King, LaMott, Lougee and Rounds.

HILLSBOROUGH: Lionel Boucher, Bourque, Boutwell, Bowers, Buckley, Burkush, Champagne, Chretien, Cote, Cox, Cusson, Ann Derosier, Gerard Desrochers, Domaingue, Donovan, Dube, Dupont, Dwyer, Joseph M. Eaton, Frank, Ruth Gage, Gagnon, Genest, Guilbert, Betty Hall, Marian Harrington, Healy, Humphrey, Chris Jacobson, Donna Kelly, Korcoulis, Lefebvre, Long, McRae, Messier, Morrisette, Mulligan, Robert Murphy, O'Rourke, Pappas, Paquette, Pariseau, Perham, Pignatelli, Reardon, Reidy, Ellen-Ann Robinson, Schneiderat, Leonard Smith, Soucy, Sullivan, Tarpley, Turgeon, Ware, Winn, Zajdel and Zis.

MERRIMACK: Bardsley, Beaton, Cahill, Gilbreth, Douglas Hall, Hess, Mary Holmes, Alf Jacobson, Burton Knight, Merton Mann, Philbrick, Provencal, Tupper, Wallner and Yeaton.

ROCKINGHAM: Barnes, Blanchard, Blanchette, Eunice Campbell, Carpenito, Conroy, Cressy, Cushing, Drake, Bert Ford, Gosselin, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, Lovejoy, McGovern, Pevear, Popov, Read, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Seward, Sherburne, Splaine, Tilton, Warburton and Weddle.

STRAFFORD: Appleby, Callaghan, Casey, Albert Dionne, Anita Flynn, Edward Flynn, Jean, Sandra Keans, Kinney, Lachance, William McCann, Parks, Pelley, Francis Robinson, Spear, Swope, Ann Torr, Ralph Torr and John Young.

SULLIVAN: Behrens, Brodeur, D'Amante, Flint, Ingram, Normandin, Spaulding and Sara Townsend, and the motion lost.

Rep. Cid notified the Clerk that she wished to be recorded against the motion to Reconsider HB 361.

#### VETO MESSAGE ON HB 250

To the Honorable members of the General Court:

I have this day vetoed HB 250-FN-A, an act making an appropriation to a village fire district, authorizing the village fire district to issue bonds, and relative to funding wastewater treatment systems.

In reviewing Section 1 of the bill, which is a specific statement of policy, this bill would mandate that the state provide funding for wastewater treatment systems to an undetermined number of cities and towns provided they meet the parameters established within the bill. This would result in an obligation to virtually an unlimited level of current and future expenditures.

In fact, at no time during the legislative hearings reviewing the policy measure was a projection of magnitude of this actual cost to the state presented. Since the resulting fiscal impact of this policy statement could be substantial, I have grave reservations concerning the establishment of public policy whose significant fiscal impact has not been determined in any definitive manner.

The state has agreed it could provide the funds to assist communities which are presently in violation of water quality standards and facing legal action from both the federal and state government. Those communities should receive priority for any state funding over those communities currently in compliance. I have attempted to address these more immediate concerns in expressing support for legislation this session which provided the appropriation necessary to respond to the federal shortfall.

I note that throughout the legislative hearings on this bill, the New Hampshire Department of Environmental Services has consistently opposed the measure feeling that the specific project included here does not have the same inherent immediacy as other projects within the state. In fact, a review of the Water Supply and Pollution Control records indicates that the existing district plant generally meets the concentration limits imposed by the National Pollution Discharge Elimination System (NPDES) permit.

In conclusion, I feel, as does the Department of Environmental Services, that HB 250-FN-A should not become law for it will expose the state to a virtually unlimited, open-ended obligation.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 250 pass.

Rep. Hounsell spoke and yielded to questions.

Rep. LaMott spoke in favor of the question and yielded to questions.

YEAS 178 NAYS 162  
YEAS 178

BELKNAP: Bolduc, Bowler, Golden, Hardy, Malcolm Harrington, Maviglio, Pearson, Lawrence Richardson, Thurston and Turner.

CARROLL: Russell Chase, McIntire and Powers.

CHESHIRE: Daschbach, Doucette, Daniel Eaton, Foster, Frink, Irvin Gordon, LaMar, Matson, Ramsay, William Riley and Schwartz.

COOS: Harold Burns, Coulombe, Horton, Kilbride, Lemire, Nelson, Oleson and Theriault.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Crystal, Densmore, Driscoll, Michael King, Wayne King, Ezra Mann, Wadsworth and Weymouth.

HILLSBOROUGH: Ahern, Alukonis, Baker, Baldizar, Bourque, Boutwell, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cote, Cowenhoven, Cusson, Daigle, William Desrosiers, Domainque, Donovan, Dube, Dupont, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Frank, Ruth Gage, Genest, Scott Green, Guilbert, Betty Hall, Holden, Chris Jacobson, Cornelius Keane, Donna Kelly, Korcoulis, Long, Lown, Lozeau, Mason, Bonnie McCann, McRae, Messier, Morrisette, Mulligan, Robert Murphy, O'Rourke, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Rodgers, Soucy, Sullivan, Turgeon, Winn, Zajdel and Zis.

MERRIMACK: Asplund, Austin, Bardsley, Beaton, Cahill, James Chandler, Fillion, Gilbreth, Douglas Hall, Hess, Alf Jacobson, C. William Johnson, Burton Knight, Lewis, Lockwood, Pantzer, Philbrick, Provencal, Stio, Tupper, Wallner, West and Whittemore.

ROCKINGHAM: Blaisdell, Blanchard, Blanchette, Butler, Eunice Campbell, Carpenito, Conroy, Cressy, Cushing, Harry Flanders, Gosselin, Elizabeth Greene, Haynes, Hollingworth, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Lovejoy, William F. McCain, McGovern, Newell, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Sherburne, Tilton and Weddle.

STRAFFORD: Callaghan, Casey, Chamberlin, Albert Dionne, Frechette, Sandra Keans, Koromilas, Lachance, William McCann, Ralph Torr and Wilson.

SULLIVAN: Behrens, Brodeur, Krueger, McKee, Normandin, Spaulding and Sara Townsend.

NAYS 162

BELKNAP: Richard Campbell, Dexter, Holbrook, Jensen, Randall and Wixson.

CARROLL: Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Saunders and Schofield.

CHESHIRE: Clark, Jesse Davis, Delano, Grodin, Hunt, Miller, Morse, Parker, Perry, Pierce and Sawyer.

COOS: Brungot, Frederic Foss, Marsh and Purrington.

GRAFTON: Adams, Christy, Dearborn, Hammond, LaMott, Lougee, McAvoy, Rounds, Stewart, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Barbara Arnold, Bass, Beaupre, Lionel Boucher, Bowers, Cid, Cox, Ann Derosier, Gerard Desrochers, Drolet, Ducharme, Fields, Gagnon, Granger, Grip, Marian Harrington, Hatch, Humphrey, Keefe, Robert Kelley, Alice Knight, Kurk, Lanzara, Lefebvre, Levesque, McGlynn, Moore, Packard, Pariseau, Perham, Prestipino, Herbert Richardson, Routhier, Sallada, Schneiderat, Shriver, Leonard Smith, Steiner, Stiles, Stonner, Tarpley, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Laurent Boucher, Gross, Hayes, Mary Holmes, Kidder, Merton Mann, Manus, Nichols, Phelps, Doris Riley and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, William Boucher, Bucu, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gourdeau, Hoar, Joyce, Roger King, Maurice MacDonald, Mace, Malcolm, McKinney, Palumbo, Schmidtchen, Schwaner, Seward, Simon, Skinner, Sochalski, Splaine, Sytek, Vartanian, Warburton, Welch, Woodward and Wright.

STRAFFORD: Appleby, Bates, Bernard, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Jean, Kincaid, Kinney, Parks, Pelley, Francis Robinson, Spear, Swope, Ann Torr, Wall and John Young.

SULLIVAN: Cutting, D'Amante, Domini, Flint, Ingram, Lindblade, Peyron, Rodeschin and Schotanus, and the veto was sustained lacking the necessary two-thirds vote to override.

#### VETO MESSAGE ON HB 292

To the Honorable members of the General Court:

I have this day vetoed HB 292-FN, an act permitting certain group II members who serve with the police standards and training council or with the fire standards and training commission to continue as group II members of the New Hampshire retirement system.

I have done so because I believe that this bill is both unfair to other group II members as well as violative of the whole concept of the group I and group II distinction within the retirement system.

More particularly, one of the principal basis for the establishment of a group II distinction was to compensate permanent policemen and permanent firemen who face inherent danger in their specific jobs on a daily basis. HB 292 is a significant breach of the group I/group II distinction, for it basically allows group II members with only five years creditable service as a group II member's to retain that status despite the fact that this



member would be in a purely instructional position. I feel that this is unfair to those members of group II who continue to serve the State while being confronted with increased hazards inherent in their profession.

Beyond my concern for the inequity of this legislation, I am further bothered by the precedence that is established by this measure and its ramifications to the group I/group II system within our New Hampshire retirement system. I cannot in good faith allow an erosion of this distinction because I feel it would be unfair to our permanent policemen and firemen who risk their lives daily for the State of New Hampshire.

I am aware of the legitimate rationale for this particular legislation which was to aid in the recruitment of individuals to fill training positions. Yet, I do not feel this type of solution merits compromising our New Hampshire retirement system.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 292 pass.

Rep. Dearborn spoke against and yielded to questions.

Reps. Hammond and Sytek spoke against the question.

Rep. Daniel Eaton spoke in favor and yielded to questions.

Rep. Harold Burns moved the previous questions. Sufficiently seconded. Adopted.

YEAS 118 NAYS 223

YEAS 118

BELKNAP: Richard Campbell, Dexter, Maviglio, Randall and Lawrence Richardson.

CARROLL: Russell Chase and Robert Holmes.

CHESHIRE: Clark, Daschbach, Doucette, Daniel Eaton, Matson, Pierce, William Riley and Schwartz.

COOS: Coulombe, Kilbride, Oleson and Theriault.

GRAFTON: Arnesen, Bean, Bennett, Chambers, Crystal, Densmore, Michael King, Wayne King, LaMott, Ezra Mann, Rounds and Wadsworth.

HILLSBOROUGH: Ahern, Baker, Baldizar, Beaupre, Bourque, Buckley, Burkush, Champagne, Cote, Cusson, Domaingue, Dube, Ducharme, Dupont, Dwyer, Dykstra, Gagnon, Genest, Scott Green, Betty Hall, Holden, Chris Jacobson, Cornelius Keane, Lefebvre, Long, Lozeau, Bonnie McCann, McGlynn, Morrisette, Mulligan, O'Rourke, Price, Reardon, Reidy, Routhier, Schneiderat, Tarpley, Winn, Zajdel and Zis.

MERRIMACK: Asplund, Bardsley, Beaton, Cahill, James Chandler, Hess, Burton Knight, Lockwood, Merton Mann, Manus, Pantzer, Wallner and Whittemore.

ROCKINGHAM: Carl Anderson, Barnes, Blaisdell, Blanchard, Blanchette, Buco, Cressy, Cushing, John Flanders, Hollingworth, Joyce, Lovejoy, William F. McCain, McGovern, Pevear, Popov, Rosencrantz, Sanderson, Sochalski, Tufts, Weddle and Wright.

STRAFFORD: Bates, Casey, Chamberlin, Albert Dionne, Jean, Kincaid, Koromilas, Lachance, Pelley and Ann Torr.

SULLIVAN: D'Amante and Normandin.



## NAYS 223

BELKNAP: Bolduc, Bowler, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Pearson, Thurston, Turner and Wixson.

CARROLL: Hounsell, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Cole, Jesse Davis, Delano, Foster, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Miller, Morse, Parker, Perry, Ramsay and Sawyer.

COOS: Brungot, Harold Burns, Frederic Foss, Horton, Lemire, Marsh, Nelson and Purrington.

GRAFTON: Adams, Blair, Christy, Dearborn, Driscoll, Hammond, Lougee, McAvoy, Stewart, Howard Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Alukonis, Barbara Arnold, Bass, Lionel Boucher, Boutwell, Bowers, A. Leslie Burns, Chretien, Cid, Cowenhoven, Cox, Daigle, Gerard Desrochers, William Desrosiers, Donovan, Drolet, Joseph M. Eaton, Fields, Frank, Ruth Gage, Granger, Grip, Guilbert, Marian Harrington, Healy, Humphrey, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Kurk, Lanzara, Leclerc, Levesque, Lown, Mason, McRae, Messier, Moore, Robert Murphy, Packard, Pappas, Paquette, Pariseau, Perham, Pignatelli, Prestipino, Herbert Richardson, Ellen-Ann Robinson, Rodgers, Sallada, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Sullivan, Turgeon, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Eleanor Anderson, Austin, Laurent Boucher, Fillion, Gilbreth, Gross, Hager, Douglas Hall, Hayes, Mary Holmes, Alf Jacobson, Kidder, Lewis, Nichols, Phelps, Philbrick, Provencal, Doris Riley, Stio, Tupper, West and Yeaton.

ROCKINGHAM: Benton, William Boucher, Butler, Eunice Campbell, Carpenito, Conroy, Cooke, Drake, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Mace, Magoon, Malcolm, McKinney, Newell, Palumbo, Parr, Read, Ritzo, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Splaine, Sytek, Tilton, Vartanian, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Bernard, Callaghan, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Sandra Keans, Kinney, Parks, Francis Robinson, Spear, Swope, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Ingram, Krueger, Lindblade, McKee, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the veto was sustained lacking the necessary two-third vote to override.

## SENATE MESSAGE

## ADOPTION OF COMMITTEE OF CONFERENCE REPORT.

HB 435, creating a committee to study head injuries in New Hampshire and relative to health care for the indigent.

## COMMITTEE OF CONFERENCE REPORT

HB 435, creating a committee to study head injuries in New Hampshire and relative to health care for the indigent. (Report printed SJ 5/14)  
Report adopted.

SENATE MESSAGE  
APPOINTMENT OF NEW COMMITTEE OF CONFERENCE

HB 276, relative to the rate of the real estate transfer tax.  
The President appointed Sens. Dupont, Bartlett and Blaisdell.

APPOINTMENT OF NEW CONFEREES

SB 130, relative to the trust fund for the prevention of child abuse  
and neglect, and making an appropriation therefor.  
The President appointed Sen. Krasker, Podles and Bond.

ENROLLED BILLS AMENDMENTS

SB 155-FN, relative to the toll barrier north of the Massachusetts  
state line on the central turnpike, southbound.

Amendment

Amend the bill by replacing lines 2 and 3 on page 1 with the  
following:

(17) Nashua [89] 94 Toll barrier north of 4.5  
Massachusetts state line  
on central turnpike -  
southbound

This amendment corrects a technical error in the bill.

Adopted.

HB 659-FN, relative to payment of court appointed counsel and court  
costs in certain cases and making an appropriation therefor.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to payment of court appointed guardians and court costs  
in certain cases and making an appropriation therefor.

This amendment corrects the title of the bill.

Adopted.

SB 220-FN, relative to redemption after a tax sale.

Amendment

Amend the bill by replacing line 2 on page 1 with the following:

80:32 Redemption. Any person interested in land so sold may redeem  
the

Amend the bill by replacing line 12 on page 1 with the following:  
mortgagees, if any. In case the tax collector who sold the property in

This amendment corrects 2 typographical errors in section 1 of the bill.

Adopted.

SB 21, relative to administrative inspection warrants.

Amendment

Amend the bill by replacing line 20 on page 2 with the following:

595-B:6 Receipt for Samples; Inventory and Return. An official or

This amendment corrects a typographical error.

Adopted.

SB 67, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs.

Amendment

Amend the bill by replacing section 1 with the following:

1 Distribution of Penalties or Fees. Amend the introductory paragraph of RSA 21-P:21 to read as follows:

21-P:21 Civil Penalties. Any person who violates any of the provisions of this subdivision, any rule adopted under this subdivision or any term or condition of a license or permit issued under this subdivision shall be subject to a civil penalty not to exceed \$5,000 for a natural person or \$25,000 for any other person. The sums obtained from the levying of civil penalties or fees under this subdivision shall be distributed at least annually in the following manner:

Amend the bill by replacing line 2 on page 2 with the following:

Transportation Penalty Fees. Amend RSA 21-P:17, I by inserting after

Amend the bill by replacing line 6 on page 2 with the following:

under RSA 21-P:21, II.

Amend the bill by replacing lines 11-12 on page 2 with the following:

act. All penalties or fees collected pursuant to RSA 21-P:16-24 on or after July 1, 1987, shall be distributed according to RSA 21-P:21 as

Amend the bill by replacing line 20 on page 2 with the following:

4 Effective Date. This act shall take effect July 1, 1987, at 12:01 a.m.

This bill changes the numbering of the RSA sections amended by this bill and corresponding references to those sections, to conform with changes made in HB 526-FN, establishing a department of safety, of the 1987 regular session.

Adopted.

SB 107-FN-A, relative to the New Hampshire state airport system plan and making an appropriation therefor.

Amendment

Amend the bill by replacing line 1 on page 2 with the following:  
airport system plan, of which \$180,000 shall be federal funds, and \$20,000

This amendment corrects a typographical error.

Adopted.

HB 608-FN, relative to pooled risk management programs.

Amendment

Amend the bill by replacing line 9 on page 5 with the following:

(a) Exist as a legal entity organized under New Hampshire law.

Amend the bill by replacing line 15 on page 6 with the following:  
of the plan shall not constitute doing an insurance business for purposes  
of

This amendment corrects 2 typographical errors.

Adopted.

The Speaker appointed the following new conferees on HB 276, relative to the rate of the real estate transfer tax:  
Reps. Ward, Kidder, Scamman and Chambers.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Friday, May 15 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

Rep. Palumbo moved that the House stand in recess for the purpose of Enrolling Reports and appointment of Committee of Conference conferees only.

Adopted.

The House recessed at 4:35 p.m.

RECESS

(Rep. Ezra Mann in the Chair)

ENROLLED BILLS REPORT

SB 115, relative to marriage.

HB 474, relative to solicitations for charitable purposes.

HB 163, relative to sunset review of the boxing and wrestling commission.

HB 309, relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain aerial tramway fund and establishing a study committee for the state-owned ski operations.

HB 530, relative to assisted persons.

SB 78, relative to benefits for a spouse upon the death of a retired group II member.

SB 145, relative to study of the state classification system and directing the personnel system task force to conduct a study of salaries for unclassified state employees and judicial branch employees and making an appropriation therefor.

Rep. Raymond P. Buckley, II  
For the Committee.

RECESS

#### CONFEREE CHANGES

HB 100 - Rep. Rep. Blacketor replaces Rep. Matson

HB 200 - Rep. Blacketor replaces Rep. Matson

SB 34 - Rep. Densmore replaces Rep. Bourque

#### APPOINTMENT OF NEW CONFEREES

HB 276 - Reps. Ward, Kidder, Scannam and Chambers

RECESS

(Speaker in the Chair)

Rep. Hager moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 27

*Friday, 15 May 87*

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

O God, we hold a great deal of power. We have the authority to change people's lives, for good or ill. We have the power to build up and to break down. We have the responsibility to say yes or no to things which matter greatly to people in this State.

We ask that You would guide us in using this power well -- to heal and to build and to comfort.

Forgive us when we sometimes assume that all our decisions bear Your seal of approval. Comfort us when we are frustrated with the system, and are tempted to give up on humanity.

Eternal One, remind all of us that we wander, even when we think we are following -- that is the nature of being human; and that is why we now turn to You. Amen.

Rep. Irvin Gordon led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Nagel, Lussier, McManus, Boisvert, George Gordon, Brady, Price, Cutting and Cox, the day, illness.

Reps. Scanlan, Gerald Smith, William Boucher, Lewis, Martling, Bean, Hatch, Eunice Campbell, Grip, Bass, Wixson, Rosencrantz, Oleson, Lawrence Richardson, Blacketer, Callaghan, Vanderlosk, Dickinson, Paul Dionne, Laurion, Baker, Wagner, Wood, Brown, Musler, Philbrick, Lionel Boucher, Patricia Foss, Pariseau, Pantzer, Simon, Beaupre, Horton, Magoon, Blaisdell, Hounsell, Ducharme, Haynes, Normandin, Schwaner, Carpenito, Randall, Gagnon and Mary Holmes, the day, important business.

Reps. Joseph MacDonald and Drake, illness in the family.

## INTRODUCTION OF GUESTS

8th grade students from the Presentation of Mary Academy in Hudson, their teacher, Sister Helen and Menta Sochalski, guests of Rep. Sochalski.

## SENATE MESSAGES

### APPOINTMENT OF NEW COMMITTEE OF CONFERENCE

SB 10-A, permitting state participation in a Clean Water Act State Revolving Loan Fund.

The President appointed Sens. Hounsell, Preston and Bartlett.



## NONCONCURRENCE

HB 418, relative to mutual holding companies.

## ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 144, relative to the sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles.

HB 345, relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor.

HB 224, establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible.

HB 156, relative to sunset review of the nurses registration board.

SB 64, legalizing the New London - Springfield water system precinct meeting of March 18, 1986.

SB 125, to appropriate funds for ocean disposal of Rye Harbor dredge material.

SB 231, relative to manufactured housing zoning.

SB 178, permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire retirement system.

## COMMITTEE OF CONFERENCE REPORTS

HB 345, relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor. (Report printed SJ 5/14)

Report adopted.

HB 224, establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible. (Report printed SJ 5/14)

Report adopted.

HB 144, relative to sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles. (Report printed SJ 5/14)

Report adopted.

HB 156, relative to sunset review of the nurses registration board. (Report printed SJ 5/14)

Report adopted.

## SENATE MESSAGE

## ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 322-FN-A, relative to AIDS virus and making an appropriation therefor.

## COMMITTEE OF CONFERENCE REPORT

HB 322-FN-A, relative to AIDS virus and making an appropriation therefor. (Report printed SJ 5/15)

Rep. Copenhagen spoke against the report and yielded to questions.

Rep. Sochalski spoke in favor of the report and yielded to questions.

Rep. Lefebvre spoke in favor of the report.

(Deputy Speaker Burns in the Chair)

Reps. James Chandler, Kurk, Wayne King and Chambers spoke against the report and yielded to questions.

Reps. Park and Palumbo spoke in favor of the report.

(Speaker in the Chair)

Rep. Bates spoke in favor of the report and yielded to questions.

Rep. Harold Burns moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 136 NAYS 165

YEAS 136

BELKNAP: Golden, Hardy, Holbrook, Jensen, Locke, Pearson and Thurston.

CARROLL: Allard, Russell Chase, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Clark, Jesse Davis, Delano, Irvin Gordon, Grodin, Parker, Perry, Pierce and Sawyer.

COOS: Brungot, Harold Burns, Frederic Foss, Lemire, Marsh and Theriault.

GRAFTON: Christy, Dearborn, Driscoll, Hammond, Lougee, Ezra Mann, McAvoy, Rounds, Howard Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Barbara Arnold, Boutwell, Bowers, Daigle, Ann Derosier, William Desrosiers, Drolet, Clyde Eaton, Fields, Healy, Holden, Keefe, Robert Kelley, Alice Knight, Korcoulis, Lefebvre, Mason, Moore, Robert Murphy, Paquette, Perham, Herbert Richardson, Sallada, Shriver, Tarpley, Watson and Kenneth Wheeler.

MERRIMACK: Asplund, Austin, Fraser, Hager, Hayes, Kidder, Lockwood, Manus, Millard, Nichols, Phelps, Doris Riley, Stio, West and Whittemore.

ROCKINGHAM: Barnes, Benton, Butler, Cooke, Ellyson, Felch, Fesh, Flanagan, John Flanders, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Hynes, Robert Johnson, George Katsakiores, Roger King, Maurice MacDonald, Malcolm, McKinney, Newell, Palumbo, Ritzo, Schmidtchen, Sochalski, Tufts, Vartanian, Vaughn, Walker, Warburton, Welch, Wells, Woodward and Wright.

STRAFFORD: Appleby, Bates, Bernard, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Robert Jones, Kincaid, Parks, Ann Torr and Wilson.

SULLIVAN: D'Amante, Domini, Ingram, Krueger, Peyron, Rodeschin and Schotanus.

NAYS 165

BELKNAP: Bowler, Richard Campbell, Dexter, Malcolm Harrington, Hawkins, Maviglio and Turner.

CARROLL: Robert Holmes, Olimpio and Schofield.

CHESHIRE: Cole, Daschbach, Doucette, Daniel Eaton, Frink, LaMar, Matson, Morse, Ramsay, William Riley and Schwartz.

COOS: Coulombe, Kilbride, Nelson and Purrington.

GRAFTON: Adams, Arnesen, Bennett, Blair, Chambers, Copenhaver, Crystal, Densmore, Wayne King, LaMott, Stewart and Wadsworth.

HILLSBOROUGH: Ahern, Alukonis, Baldizar, Bourque, Buckley, Burkush, A. Leslie Burns, Champagne, Chretien, Cote, Cowenhoven, Cusson, Domaingue, Donovan, Dube, Dwyer, Dykstra, Joseph M. Eaton, Frank, Ruth Gage, Genest, Granger, Scott Green, Guilbert, Betty Hall, Marian Harrington, Chris Jacobson, Cornelius Keane, Donna Kelly, Kurk, Leclerc, Levesque, Long, Lown, Lozeau, Bonnie McCann, McGlynn, McRae, Messier, Morrisette, Mulligan, O'Rourke, Packard, Pappas, Pignatelli, Prestipino, Reardon, Reidy, Ellen-Ann Robinson, Rodgers, Routhier, Schneiderat, Leonard Smith, Soucy, Stiles, Sullivan, Turgeon, Ware, Emma Wheeler, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Bardsley, Beaton, Laurent Boucher, Cahill, James Chandler, Fillion, Gilbreth, Gross, Douglas Hall, Alf Jacobson, C. William Johnson, Burton Knight, Merton Mann, Provencal, Walter Robinson, Tupper and Yeaton.

ROCKINGHAM: Carl Anderson, Marilyn Campbell, Conroy, Cressy, Cushing, Harry Flanders, Elizabeth Greene, Hoar, Hollingworth, Joyce, Phyllis Katsakiores, Lovejoy, Mace, William F. McCain, Parr, Pevear, Popov, Read, Sanderson, Sherburne, Skinner, Splaine, Sytek, Tilton and Weddle.

STRAFFORD: Chamberlin, Frechette, Frew, Jean, Sandra Keans, Kinney, Koromilas, Lachance, William McCann, Pelley, Francis Robinson, Spear, Swope, Ralph Torr, Wall and John Young.

SULLIVAN: Behrens, Brodeur, Flint, Lindblade, McKee, Spaulding and Sara Townsend, and the report lost.

Rep. Copenhaver moved that a new Committee of Conference be appointed on HB 322.

Adopted.

Rep. Parr moved that the Committee of Conference on HB 322 be instructed to limit itself to only the legislation that was adopted by the House.

Rep. Healy spoke against the motion.

A division was requested.

157 members having voted in the affirmative and 138 in the negative, the motion was adopted.

The Speaker appointed as conferees, Reps. Copenhaver, James Chandler, Kurk and Parr.

#### SENATE MESSAGE

#### ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 348, relative to the division for children and youth services and appropriating funds for certain employee benefits.

HB 168, relative to sunset review of joint board of engineers, architects and land surveyors.

HB 190, relative to district court venue in landlord and tenant actions.

HB 152, relative to sunset review of the board of education - administration.

HB 124, relative to sunset review of the real estate commission.

HB 126, relative to sunset review of the commission on the status of women and making certain changes relative to the commission.

## COMMITTEE OF CONFERENCE REPORTS

HB 348, relative to the division for children and youth services and appropriating funds for certain employee benefits. (Report printed SJ 5/15)

Report adopted.

HB 168, relative to sunset review of joint board of engineers, architects and land surveyors. (Report printed SJ 5/15)

Report adopted.

HB 190, relative to district court venue in landlord and tenant actions. (Report printed SJ 5/15)

Report adopted.

HB 152, relative to sunset review of the board of education - administration and support. (Report printed SJ 5/15)

Rep. Skinner yielded to questions.

Rep. Spaulding spoke against the report.

Rep. Tufts spoke in favor of the report.

Rep. Ellen-Ann Robinson explained the report and yielded to questions.

On a voice vote the Speaker was in doubt and requested a division.

150 members having voted in the affirmative and 106 in the negative, the Speaker declared the vote void because less than two-thirds of the members necessary to render their acts and proceedings valid. (Art. 20)

HB 124, relative to sunset review of the real estate commission. (Report printed SJ 5/15)

Report adopted.

HB 126, relative to sunset review of the commission on the status of women and making certain changes relative to the commission. (Report printed SJ 5/15)

Report adopted.

The Speaker declared a quorum was now present and proceeded with the Committee of Conference report on HB 152.

Rep. Spaulding spoke against the report.

Rep. Ramsay spoke in favor of the report and yielded to questions.

Report adopted.

## SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that Joint Rule 20(d) be so far suspended as to permit consideration of Committee of Conference Reports not already distributed in the seat pockets at the present time without the required notice.

Rep. Rounds spoke to the motion.

Rep. Chambers spoke in favor of the motion and yielded to questions.

Reps. Vartanian, Kidder, Palumbo and Harold Burns spoke in favor of the motion.

Rep. Betty Hall spoke against the motion.

A division was requested.

225 members having voted in the affirmative and 68 in the negative, the motion was adopted by the necessary two-thirds.

RECESS

(Speaker in the Chair)

ENROLLED BILLS AMENDMENTS

HB 540-FN, relative to bingo and lucky 7 licenses.

Amendment

Amend the bill by replacing line 9 on page 2 with the following:

[I-a.](b) The provisions of subparagraph II(a) notwithstanding, a

Amend the bill by replacing lines 16-18 on page 2 with the following:

under subparagraph II(a), and charitable organizations licensed under subparagraph II(a) shall be ineligible to receive concurrently an annual license under this subparagraph.

This amendment corrects reference errors in the bill.

Adopted.

HB 264, relative to the composition of the court accreditation commission.

Amendment

Amend the bill by replacing line 16 on page 1 with the following:

commission shall each serve for a term of 3 years and shall receive no

This amendment corrects a typographical error.

Adopted.

HB 364-FN-A, establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation therefor.

Amendment

Amend the bill by replacing line 16 on page 2 with the following:

control, abatement, and limitation of toxic air pollutant emissions.

This enrolled bill amendment corrects 2 transposed words.

Adopted.

HB 22, relative to methods of hunting and possession of deer and moose and illegal night hunting.

Amendment

Amend the bill by replacing line 3 on page 2 with the following:

a bow and arrow, crossbow and bolt, rifle, pistol revolver, shotgun, or

This amendment corrects a typographical error and a grammatical error.

Adopted.

HB 123-FN, relative to sunset review of public employee labor relations board.

Amendment

Amend the bill by inserting after line 12 on page 2 the following:

4 Effective Date. This act shall take effect upon its passage.

This amendment reinserts the bill's effective date.

Adopted.

HB 623, relative to the practice of physical therapy.

Amendment

Amend the bill by replacing lines 8 through 21 on page 6 with the following:

328-A:12 Foreign Trained. A physical therapist trained in a foreign country may apply for licensure if he is a graduate of a school of physical therapy approved by the board, and has taken and passed the examinations for licensure given by the Professional Examination Services.

328-A:13 Powers and Duties of the Board. The board shall keep a record of its proceedings under this chapter and a register of all persons licensed under it. The register shall show the names of every living licensee, his last known place of business and last known place of residence and date and number of his license and certificate as a licensed physical therapist or licensed physical therapist assistant. The board shall, once each year, compile and publish a list of licensed physical therapists and licensed physical therapist assistants.

This amendment corrects a numbering error which inadvertently caused the wrong section to be amended. With this amendment, the correct version of RSA 328-A:12 is retained and the correct version of RSA 328-A:13 is restored.

Adopted.

HB 220-FN, relative to the removal of petroleum powered vehicles from surface waters of the state.

Amendment

Amend the bill by replacing line 18 on page 1 with the following:

subparagraph (a) refuse or fail to obey the order for removal, the proper

This amendment corrects a grammatical error.

Adopted.

HB 225, relative to stream reclassification of certain waters of the state.

Amendment

Amend the bill by replacing line 19 on page 2 with the following:

under RSA 541-A to govern the conduct of administrative appeals under



This amendment corrects a typographical error:

Adopted.

SB 69, enacting the uniform limited partnership act.

Amendment

Amend the bill by replacing line 20 on page 10 with the following:  
that the partnership is a limited partnership and the persons designated

Amend the bill by replacing line 18 on page 20 with the following:  
304-B:34 Distribution Upon Withdrawal. Except as provided in this

Amend the bill by replacing line 14 on page 27 with the following:  
registration unless accompanied by the certification required by RSA

This amendment corrects 3 typographical errors.

Adopted.

HB 661-FN, establishing a postsecondary vocational-technical education study committee.

Amendment

Amend the bill by replacing line 2 on page 1 with the following:  
section 36 the following new subdivision:

Amend the bill by replacing line 5 on page 1 with the following:  
188-F:37 Study Committee. A permanent study committee of 6 members is

Amend the bill by replacing line 10 on page 1 with the following:  
188-F:38 Membership. The Committee shall be appointed as follows: 3

Amend the bill by replacing line 12 on page 1 with the following:  
member of the senate finance committee, by the president of the senate;  
and 3

Amend the bill by replacing line 8 on page 2 with the following:

188-F:39 Duties.

Amend the bill by replacing line 1 on page 3 with the following:

188-F:40 Report and Recommendations. The committee shall submit a

Amend the bill by replacing line 8 on page 3 with the following:

188-F:41 Aid and Grants. The committee is hereby authorized to accept

Amend the bill by replacing line 12 on page 3 with the following:

vocational-technical education study committee established in RSA 188-F:37

Amend the bill by replacing line 18 on page 3 with the following:

the chairs of the house and senate education committees.

This amendment changes the numbering of the RSA sections inserted by this bill to avoid numbering conflicts with sections enacted by SB 223 of the 1987 session and also corrects a typographical and grammatical error.

Adopted.

Rep. Daniel Eaton moved that the Enrolled Bills Amendments on HB 703, HB 159, HB 722, HB 382, HB 700, SB 51, SB 86, HB 136 and SB 64 be adopted by this motion.

Adopted.

HB 703, relative to the board of autioneers.

#### Amendment

Amend the bill by replacing line 9 on page 2 with the following: shall contain a showing as to the applicant's ability to judge the value of

HB 159-FN, relative to sunset review of the board of education - driver education.

#### Amendment

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Uniform Certification. Amend RSA 21-P:14, I(g) to read as follows:

(g) Uniform classifications for certification of driver education instructors, including the same types of certification levels and the same qualifications required for each level for both private and public school instructors, and a system of fees for certification.

[g](h) Any other subject which in the judgment of the commissioners requires rulemaking to promote the effectiveness of driver education courses.

#### 5 Effective Date.

1. Section 4 of this act shall take effect July 1, 1987, at 12:01 a.m.

11. The remainder of this act shall take effect upon its passage.

Laws of 1987, chapter 124, an act establishing a department of safety, replaces RSA 106-A with RSA 21-P. This amendment inserts the new paragraph contained in section 3 of HB 159-FN into its corresponding place in RSA 21-P as of July 1, 1987 when the new chapter takes effect.

HB 722, relative to small loans.

#### Amendment

Amend the bill by replacing line 1 on page 3 with the following:

4 Scope. Amend RSA 399-A:3, VI to read as follows:

Amend the bill by replacing lines 24-25 on page 3 with the following:

such loan and ending with the date of payment of [the] such loan in full shall not exceed one percent per month simple interest on the

Amend the bill by deleting line 20 on page 6.

This amendment corrects typographical errors.

HB 382, relative to boating law enforcement.

Amendment

Amend the bill by replacing line 5 on page 2 with the following:

signals such person to stop by means of any authorized audible or visual

This amendment corrects a typographical error in the bill.

HB 700-FN, permitting group II members who reach age 65 to make an election for retirement benefits.

Amendment

Amend the bill by replacing line 5 on page 1 with the following:

regardless of the number of years of his creditable service, may retire

This amendment corrects a typographical error.

SB 51, relative to airboats, mufflers, and decibel levels of boats.

Amendment

Amend the bill by replacing line 25 on page 2 with the following:

paragraph, the commissioner of safety may adopt rules pursuant to RSA 541-A.

Amend the bill by replacing all after section 8 with the following:

9 Testing Procedures. Amend RSA 270:39 to read as follows:

270:39 Rulemaking Authority. The [director] commissioner of safety shall adopt rules, pursuant to RSA 541-A, relative to:

I. Testing procedures to determine marine engine noise levels.

II. Certification under RSA 270:38

10 Effective Date.

I. Sections 6 and 8 of this act shall take effect upon its passage.

II. Section 9 of this act shall take effect July 1, 1987 at 12:01 a.m.

III. The remainder of this act shall take effect 60 days after its passage.

This amendment makes reference changes to make the bill consistent with HB 526, An Act establishing a department of safety, including 2 versions of RSA 270:39, one effective on passage and the other on July 1, to effect the changes made by HB 526 on the appropriate date.

SB 86-FN-A, relative to a memorial for Governor Sherman Adams.

Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to a memorial for Governor Sherman Adams  
and making an appropriation therefor.

AN ACT relative to a memorial for Governor Sherman Adams and making an appropriation therefor.

This amendment corrects the title of the bill.

HB 136-FN, relative to sunset review of public utilities commission - gas - pipeline carriers.

## Amendment

Amend the bill by replacing line 4 on page 1 with the following:

shall terminate on July 1, 1993, subject to RSA 17-G.

This amendment corrects a typographical error.

SB 64, legalizing all votes pertaining to bond or note issues taken at the New London-Springfield water system precinct meeting of March 18, 1986, and relative to the legalization and ratification of actions taken at certain town meetings and relative to the Winchester school district election held March 19, 1987.

## Amendment

Amend the bill by replacing line 1 on page 2 with the following:

3 Town of Winchester School District Election; Nullification. All

Amend the bill by replacing line 4 on page 2 with the following:

4 Special School District Election; Winchester. Notwithstanding any

Amend the bill by replacing line 23 on page 2 with the following:

5 Epsom Town Meeting. All acts, votes, and proceedings of the annual

Amend the bill by replacing line 1 on page 3 with the following:

6 Lancaster Town Meeting. All acts, votes, and proceedings of the

Amend the bill by replacing line 4 on page 3 with the following:

7 Effective Date. This act shall take effect upon its passage.

This amendment corrects the section numbering in the bill.

## COMMITTEE OF CONFERENCE REPORT ON SB 34

The committee of conference to which was referred Senate Bill 34, An Act relative to the advisory budget control committee and the fiscal committee having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 7 with the following:

7 Fiscal Committee; Membership; Duties. RSA 14:30-a is repealed and reenacted to read as follows:

14:30-a Fiscal Committee.

I. There is hereby established a fiscal committee of the general court. Said committee shall consist of 10 members. Five shall be members of the house as follows: the chairman of the appropriations committee and 2 other members of the committee, appointed by the chairman; and 2 other house members appointed by the speaker of the house. Five members shall be members of the senate as follows: the chairman of the finance committee and 2 other members of that committee, appointed by the chairman; and 2 other senators appointed by the senate president. The chairman of the house appropriations committee shall be the chairman of the fiscal committee.

II. The committee shall, while the general court is in session and during the interim, consult with, assist, advise, and supervise the work of the legislative budget assistant, and may at its discretion investigate and consider any matter relative to the appropriations, expenditures, finances, revenues or any of the fiscal matters of the state. The members shall be paid the regular legislative mileage during the interim while engaged in their work as members of the committee.

III. The fiscal committee shall consider recommendations proposed to it by the legislative performance audit and oversight committee established under RSA 17-N:1. The fiscal committee shall adopt all recommendations proposed to it as provided in RSA 17-N:1, III by the performance audit and oversight committee unless the fiscal committee, refuses, by unanimous vote to adopt such recommendations.

8 Duties of Legislative Budget Assistant; Establishment of Audit and Budget Divisions. RSA 14:31 is repealed and reenacted to read as follows:

14:31 Office of Legislative Budget Assistant; General Duties.

1. The office of the legislative budget assistant shall consist of 2 divisions, the audit division and the budget division.

II. The legislative budget assistant shall be responsible for the proper execution by the audit division and the budget division of their respective functions, as detailed in RSA 14:31, III, RSA 14:31-a, and RSA 14:31-b.

III. Both the audit division and the budget division shall conduct such investigations, analyses, or research into the financial activities and condition or the financial management procedures, or any specific area thereof, of any department, board, institution, commission, or agency, for the information of the legislature, as the fiscal committee shall specifically direct. In making any such investigation, analysis, or research, the legislative budget assistant shall have the power to examine whatever accounts or records of, or property or things of value held by, said department, board, institution, commission, or agency the fiscal committee shall deem useful to said investigation, analysis, or research.

IV. All state departments, boards, institutions, commissions, and agencies shall be required to furnish to the legislative budget assistant any information he may request in the course of carrying out his duties as prescribed by this section, RSA 14:31-a, and RSA 14:31-b.

V. The commissioner of administrative services shall deliver to the legislative budget assistant the official financial information under the control of the commissioner as required by this section in a form unaltered from that which is finally reported in the integrated financial system. The approval of the governor, the speaker of the house of representatives, and the senate president shall be required for delivery of any other information, other than the official financial information required by this section. The right of access to information under this section shall not arise until after each transaction or event subject to RSA 91-A has taken place. Such information shall be provided to the

legislative budget assistant in a mutually agreeable and compatible format at the end of each business day. The legislative budget assistant shall be subject to the provisions of RSA 21-I:13-a, II. This paragraph shall not be construed as granting the legislative budget assistant access to any information or any information system relative to the internal functions of the office of the governor or any executive agency, department, board, commission, or institution through the integrated financial system.

VI. In addition to any other reports required by statute or by the fiscal committee to be submitted by the legislative budget assistant, he shall submit to the members of the appropriations, finance, and ways and means committees a report of the results of post-audits, program result audits, and investigations he has conducted since the date of his last such report. The fiscal committee shall determine which policy committees of both houses of the general court, in addition to those listed in this paragraph, shall receive reports pursuant to this paragraph. The report required by this paragraph shall be submitted not later than January 25 of each regular legislative session.

9 Audit Division. RSA 14:31-a is repealed and reenacted to read as follows:

14:31-a Audit Division. The audit division shall:

I. Conduct post-audits of the accounts and records of any state department, board, institution, commission, or agency. The legislative budget assistant may cooperate with federal officials and agencies in conducting said post-audits.

II. Audit the accounts of the state treasurer at least once each fiscal year. The findings and report of a certified accountant, designated by the legislative budget assistant, may be accepted as fulfilling the requirements of this subparagraph.

III. Submit a detailed report of every audit conducted pursuant to this section to the fiscal committee for its approval. After approval by the committee, a copy of the report shall be given to the governor; the speaker of the house of representatives; the president of the senate; the commissioner of the department of administrative services; and the executive officer of the department, board, institution, commission, or agency concerned. The executive officer shall have the right to submit a written statement explaining or rebutting the findings of the report to the fiscal committee.

IV. Conduct such program result audits of any department, board, institution, commission, or agency as the fiscal committee shall specifically direct. Program result audits shall include, but not be limited to, examinations and any determinations based upon the examinations as to whether the results contemplated by the legislature, or other authorizing body, have been and are being achieved by the department, board, institution, commission, or agency concerned, and whether such objectives could be obtained more effectively through other means. This paragraph shall not apply to constitutional officers in the execution of their constitutional duties. The fiscal committee may direct the legislative budget assistant to expand the scope of any program result audit to include such policy analysis as the fiscal committee may, in its discretion, designate. Such committee shall, at least once every 10 years, consider the necessity of the review, pursuant to this paragraph, of each department, board, institution, commission, and agency.

10 New Section; Budget Division. Amend RSA 14 by inserting after section 31-a the following new section:

14:31-b Budget Division.

1. The budget division shall:

(a) Provide technical staff assistance in the areas of finance, accounting, and budgeting to the appropriations, finance, ways and means, and capital budget overview committees and such other



committees, including joint committees, of the general court as the fiscal committee may from time to time designate, upon the request of any of such committees or the fiscal committee.

(b) Prepare fiscal notes and amendments to fiscal notes as required by RSA 14:44-47.

(c) Prepare fiscal impact statements as defined in RSA 541-A:1, V.

11. The legislative budget assistant shall attend all hearings on state budgets as provided for in RSA 9:7.

11 New Section; Charge Back of Audits of Special Fund Agencies.

Amend RSA 14 by inserting after section 31-b the following new section:

14:31-c Charge Back of Audits of Special Fund Agencies. The cost of any audit done by the legislative budget assistant or by any other auditor under his direction or authority of any department, division, or agency funded by highway, fish and game, any self-sustaining, or special fund shall be a charge against the appropriate fund and said cost shall be transferred from said fund to the general fund.

12 New Chapter; Legislative Performance Audit and Oversight. Amend the RSA by inserting after chapter 17-M the following new chapter:

#### CHAPTER 17-N

#### LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT

17-N:1 Performance Audit and Oversight Committee Established.

I. There is hereby established a joint legislative performance audit and oversight committee of the general court.

II. The committee shall consist of 10 members, 5 of whom shall be members of the house of representatives, 3 appointed by the speaker of the house and 2 appointed by the house minority leader, and 5 of whom shall be senators, 3 appointed by the president of the senate, and 2 appointed by the senate minority leader. Members shall be appointed for their term of office. All members shall be eligible for reappointment so long as they are qualified under this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for an unexpired term within 30 days of the creation of such vacancy, and the initial appointments under this section shall be made within 30 days of the effective date of this section. The members shall choose from their number a chairman, provided that the chairmanship shall rotate biennially between the house and senate members.

III. The committee shall, while the general court is in session and during the interim, consider the need to review state departments, boards, institutions, commissions, and agencies and shall make recommendations to the fiscal committee for such reviews as provided in RSA 14:30-a, II.

13 Repeal. The following are repealed:

I. RSA 17-F, relative to the legislative committee on review of agencies and programs.

II. RSA 17-G, relative to legislative review of state agencies and programs.

14 Supplemental Appropriation. In addition to any other sums appropriated to the legislative budget assistant, the sum of \$50,000 is hereby appropriated for the fiscal year ending June 30, 1988, for costs involved in complying with this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

15 Effective Date.

I. Section 13 of this act shall take effect July 2, 1987.

II. The remainder of this act shall take effect July 1, 1987.

## AMENDED ANALYSIS

This bill, as amended, abolishes the advisory budget control committee and transfer its remaining duties to the fiscal committee.

This bill, as amended, changes the membership of the fiscal committee and the process by which the members of the fiscal committee are appointed.

The bill, as amended, also creates a joint legislative performance audit and oversight committee of the general court. The duties of such committee shall be to consider the need for review of state departments, boards, institutions, commissions, and agencies, and to make recommendations to the fiscal committee for such review.

This bill, as amended provides that the fiscal committee shall approve all recommendations proposed to it by the joint legislative performance audit and oversight committee, unless the fiscal committee votes unanimously to disapprove such recommendations.

The bill, as amended, expands the duties of the legislative budget assistant to include conducting program results audits.

This bill, as amended, repeals the sunset committee and the sunset act.

This bill, as amended, appropriates \$50,000 for fiscal year 1988 to the legislative budget assistant for costs incurred in complying with this bill.

Conferees on the Part of the Senate:

Sens. Bartlett, Dupont and Disnard

Conferees on the Part of the House

Reps. Palumbo, Harold Burns, Beverly Gage and Densmore

Reps. Rounds, Walter Robinson and Dexter spoke against the report.

Reps. Kidder, Ward and Palumbo spoke in favor of the report and yielded to questions.

Rep. Beverly Gage explained the report and yielded to questions.

Rep. Alf Jacobson spoke to the report.

Reps. Densmore, Hammond and Chambers spoke in favor of the report.

A roll call was requested. Sufficiently seconded.

YEAS 218 NAYS 79

YEAS 218

BELKNAP: Bowler, Richard Campbell, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Pearson and Thurston.

CARROLL: Allard, Robert Holmes, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Clark, Cole, Jesse Davis, Delano, Doucette, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Matson, Parker, Perry, Ramsay, William Riley, Sawyer and Schwartz.

COOS: Brungot, Harold Burns, Coulombe, Frederic Foss, Guay, Lemire, Marsh, Nelson, Purrington and Theriault.

GRAFTON: Adams, Chambers, Christy, Copenhaver, Crystal, Dearborn, Densmore, Driscoll, Hammond, Wayne King, LaMott, Ezra Mann, McAvoy, Stewart, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baldizar, Buckley, Burkush, Cid, Cowenhoven, Cusson, Daigle, Ann Derosier, William Desrosiers, Donovan, Drolet, Dube, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Frank, Ruth Gage, Genest, Guilbert, Marian Harrington,

Holden, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Kurk, Lown, Lozeau, Bonnie McCann, Moore, Morrisette, Mulligan, Robert Murphy, O'Rourke, Packard, Pappas, Paquette, Perham, Beardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Sallada, Leonard Smith, Soucy, Stiles, Turgeon, Watson, Emma Wheeler, Kenneth Wheeler, Winn and Zajdel.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Laurent Boucher, James Chandler, Fillion, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hayes, Hess, Alf Jacobson, Kidder, Lockwood, Manus, Millard, Nichols, Phelps, Provencal, Stio, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Butler, Marilyn Campbell, Ellyson, Felch, Fesh, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Elizabeth Greene, Hoar, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Parr, Popov, Read, Ritzo, Sanderson, Seward, Sherburne, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vartanian, Warburton, Weddle, Wells, Woodward and Wright.

STRAFFORD: Appleby, Bates, Bernard, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Robert Jones, Kinney, Koromilas, Parks, Pelley, Francis Robinson, Ann Torr, Wall and Wilson.

SULLIVAN: Behrens, Flint, Ingram, Krueger, McKee, Rodeschin, Schotanus and Sara Townsend.

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BELKNAP: Dexter, Jensen, Maviglio and Turner.

CARROLL: Russell Chase, Olimpio and Schofield.

CHESHIRE: Daschbach, LaMar and Morse.

COOS: Kilbride.

GRAFTON: Arnesen, Bennett, Blair, Lougee and Rounds.

HILLSBOROUGH: Bowers, A. Leslie Burns, Champagne, Cote, Domainque, Granger, Scott Green, Betty Hall, Humphrey, Leclerc, Lefebvre, Levesque, Long, Mason, McGlynn, McRae, Messier, Pignatelli, Prestipino, Rodgers, Routhier, Shriver, Sullivan, Tarpley, Ware and Zis.

MERRIMACK: Bardsley, Beaton, Cahill, C. William Johnson, Burton Knight, Merton Mann, Doris Riley and Walter Robinson.

ROCKINGHAM: Conroy, Cressy, Cushing, Flanagan, Hollingworth, Hynes, Joyce, Mace, Pevear, Schmidtchen, Vaughn, Walker and Welch.

STRAFFORD: Albert Dionne, Frechette, Jean, Sandra Keans, Kincaid, Lachance, Spear, Swope, Ralph Torr and John Young.

SULLIVAN: Brodeur, D'Amante, Domini, Lindblade, Peyron and Spaulding, and the report was adopted.

#### RECONSIDERATION

Rep. Phelps moved that the House reconsider its action whereby it adopted the Committee of Conference report on SB 34.

Motion lost.

## COMMITTEE OF CONFERENCE REPORTS

SB 1-A, An Act establishing the New Hampshire land conservation investment program and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 221-A:5, III as inserted by section 1 of the bill by replacing it with the following:

III. Oversee, direct, and expend funds deposited in the trust fund of the New Hampshire land conservation investment program in accordance with the purposes of this chapter. This includes, but is not limited to, the authority to draw upon funds for acquisition of lands and for the administrative costs of the program, excluding the salary and benefits of the executive director. The board shall report its administrative expenditures to the joint legislative fiscal committee semi-annually. All expenditures for the acquisition of lands, easements, and development rights under this chapter shall be subject to the approval of the governor and council.

Amend the introductory paragraph of RSA 221-A:6 as inserted by section 1 of the bill by replacing it with the following:

221-A:6 Executive Director. The board of directors shall nominate one or more persons for appointment by the governor and council to serve as executive director. The executive director shall serve a term of 6 years, with a vacancy to be filled in the same manner as the original appointment. At the request of the board of directors, the governor may remove the executive director for cause. The salary of the executive director shall be as provided under RSA 94:1-a. The executive director shall:

Amend RSA 221-A:10, II as inserted by section 1 of the bill by replacing it with the following:

II. No lands purchased in fee for permanent state ownership under this chapter shall be posted to prohibit hunting or fishing, unless the board of directors, by a majority vote of the voting members, deems such posting to be necessary to protect the interests of the state and the safety of its citizens, or upon recommendation of the fish and game commission or the division of forests and lands.

Amend the bill by replacing all after section 1 with the following:

2 Salary; Executive Director; Land Conservation Investment Program. Amend RSA 94:1-a, 1 by inserting the following: In Group N, executive director, land conservation investment program.

3 Annual Reports; Future Funding. The board of directors, in its annual reports required by this act for 1988, 1990, and 1992, shall identify additional funding necessary to accomplish the goals of the land conservation investment program listed in RSA 221-A:1 and 221-A:2. The board shall consult with members of the legislative and executive branches to identify the level, timing, and potential sources of funding to carry out the full intent of the program.

4 Program Renewal. The New Hampshire land conservation investment program established by RSA 221-A shall terminate on June 30, 1993, unless

renewed by the legislature, subject to the provisions of this section. If the program under RSA 221-A is not renewed on or before June 30, 1993, the council on resources and development established under RSA 162-C shall assume the power and duties of the board of directors on June 30, 1993.

5 Appropriation.

I. The sum of \$20,000,000 is appropriated for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. This appropriation shall be non-lapsing.

II. There is appropriated to the trust fund established under RSA 221-A:7 an amount sufficient, but not to exceed \$75,000 per year, to provide for the salary and benefits of the executive director of the land conservation investment program provided for in section 2 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The sums appropriated under this paragraph shall be reimbursed to the treasury out of funds received by the trust fund established under RSA 221-A:7 from private, non-state sources.

6 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sens. Blaisdell, McLane and Hough

Conferees on the Part of the House:

Reps. Hager, Elizabeth Greene, Sara Townsend and Matson

Rep. Hager yielded to questions.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 6-FN-A

The committee of conference to which was referred Senate Bill 6-FN-A, An Act to provide 2 additional field staff and additional equipment to the division of air resources and for statewide air quality monitoring and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Freese, Dismard and Delahunty

Conferees on the Part of the House:

Reps. Shriver, Bowler, Elizabeth Greene and Popov

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 27-FN

The committee of conference to which was referred Senate Bill 27-FN, An Act relative to the commemorative rifle or shotgun lottery having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:



6 Duties. Amend RSA 206-A:2, II (a) to read as follows:

(a) Bids shall be submitted by New Hampshire or New England firearms manufacturers [2 months] 30 days following publication of the committee's solicitation to manufacture a commemorative rifle or shotgun;

7 Contract to Manufacture. RSA 206-A:3 is repealed and reenacted to read as follows:

206-A:3 Contract to Manufacture.

I. The fish and game department and the firearm manufacturer chosen by the committee to manufacture the rifle or shotgun shall enter into a contract describing the terms for production and cost of the rifle or shotgun to the state.

II. In addition, the fish and game department may contract with the manufacturer chosen, to produce a limited edition commemorative rifle or shotgun for sale, with negotiated royalties being paid to the state of New Hampshire for deposit in the fish and game fund, on all rifles and shotguns sold under this authority.

8 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sens. Hounsell, Krasker and Freese

Conferees on the Part of the House:

Reps. Scanlan, Schofield, Perham and Theriault

Report adopted.

(Deputy Speaker Burns in the Chair)

#### COMMITTEE OF CONFERENCE REPORT ON SB 41

The committee of conference to which was referred Senate Bill 41, An Act relative to unclassified state employees, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Freese, Stephen and Delahunty

Conferees on the Part of the House:

Reps. Hawkins, McCain, Ann Torr and Pelley

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 62

The committee of conference to which was referred Senate Bill 62, An Act relative to counting absentee ballots in cities and towns which use voting machines having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Section; Counting Absentee Ballots. Amend RSA 659 by inserting after section 49 the following new section:



659:49-a Option to Count Absentee Ballots Before Closing of Polls. At the direction of the moderator, absentee ballots may be counted 2 hours before the closing of the polls in cities and towns which authorize the use of one or more voting machines for computerized casting and counting of ballots, as provided in RSA 656:40. The option provided under this section shall not be used by cities or towns which use devices for computerized casting and counting of ballots. If absentee ballots are counted before the closing of the polls, the moderator shall exercise his option under RSA 659:49, and the absentee ballots shall be processed and then counted immediately following their processing. If the option to count absentee ballots is exercised by the moderator under this section, counting shall begin no later than 2 hours before the closing of the polls, at which time the processing shall also begin. The counting of absentee ballots shall be done by the election officials, except those disqualified under RSA 659:58, under the supervision of the moderator. The final count of absentee ballots shall not be announced before the polls close, and shall be announced as provided in RSA 659:70.

Conferees on the Part of the Senate:

Sens. Pressly, Heath and Johnson

Conferees on the Part of the House:

Reps. Flanagan, Holden, Leclerc and Betty Hall

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 75-A

The committee of conference to which was referred Senate Bill 75-A, An Act authorizing the study of the feasibility of reconstructing U.S. route 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate:

Sens. Blaisdell, Delahunty and Dupont

Conferees on the Part of the House:

Reps. Pearson, Marsh, Driscoll and Callaghan

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 83

The committee of conference to which was referred Senate Bill 83, An Act relative to distributing political campaign literature at polling places on election day having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Freese, Disnard and Delahunty

Conferees on the Part of the House:

Reps. Flanagan, Holden, Leclerc and Betty Hall

Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 90

The committee of conference to which was referred Senate Bill 90, An Act relative to amusement parks, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. St. Jean, Hounsell and Freese

Conferees on the Part of the House:

Reps. Buckley, Paul Dionne, Powers and Rodgers

Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 106

The committee of conference to which was referred Senate Bill 106, An Act relative to the responsibilities of the commissioner of safety having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Dupont, Freese and Disnard

Conferees on the Part of the House:

Reps. Hawkins, McCain, Ann Torr and Pelley

Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 130-FN-A

The committee of conference to which was referred Senate Bill 130-FN-A, An Act relative to the trust fund for the prevention of child abuse and neglect and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 169-C:39, I as inserted by section 4 of the bill by replacing it with the following:

1. There is hereby established in the New Hampshire Charitable Fund a special fund to be known as the trust fund for the prevention of child abuse and neglect. The sole purpose of the fund shall be to make regular payments of interest as defined in RSA 169-C:39-b, VI to the New Hampshire child abuse trust fund board for programs as defined in RSA 169-C:39-b, IV, and said moneys shall not be available for any other purpose. The trust fund established in this paragraph shall be held and administered as a component fund of the New Hampshire Charitable Fund, subject to its articles of agreement and bylaws, except that no change in the purpose of the fund as stated in the preceding sentence shall be made

without an amendment to this chapter. The New Hampshire Charitable Fund shall provide an annual accounting of the trust fund to the board. The board, shall have the responsibility of soliciting moneys from sources other than the general fund, including federal moneys. The board shall deposit any moneys received as a result of solicitation into the trust fund for the prevention of child abuse and neglect. The board may request that the New Hampshire Charitable Fund assist them or their designee in connection with the solicitation of moneys from sources other than the general fund. The New Hampshire Charitable Fund shall be entitled to make an administrative charge against the trust fund for the prevention of child abuse and neglect for investment services and administrative services in an amount comparable to that charged to other funds administered by the New Hampshire Charitable Fund, subject to negotiation between the New Hampshire Charitable Fund and the board. Such administrative charge shall be in addition to the administrative expenses payable under RSA 169-C:39-c, IV.

Amend the bill by replacing sections 9 and 10 with the following:

9 Rulemaking. Amend the introductory paragraph of RSA 169-C:39-h to read as follows:

169-C:39-h [Guidelines] Rulemaking. The [attorney general] board [, in consultation with the division for children and youth services and the board of trustees,] shall [develop guidelines] adopt rules under RSA 541-A relative to:

10 Duties of the Board. Amend the introductory paragraph of RSA 169-C:39-e and RSA 169-C:39-e, I to read as follows:

169-C:39-e Duties of the Board. In addition to the duties outlined in RSA 169-C:39-c, the board shall have the following duties:

I. [With the assistance of the attorney general,] Administer the grant program established by this subdivision.

11 Appropriation. The sum of \$90,000 is hereby appropriated for the biennium ending June 30, 1989, to the board established in RSA 169-C:39-c, I for the administrative expenses of soliciting moneys with the approval of the attorney general for the trust fund for the prevention of child abuse and neglect. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

12 Disbursement Plan. The New Hampshire child abuse trust fund board established in RSA 169-C:39-d shall develop a plan for disbursement of trust fund moneys. Before implementing the plan, the board shall submit the plan by December 1, 1988, to the fiscal committee for approval.

13 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sens. Krasker, Podles and Bond

Conferees on the Part of the House:

Reps. Scamman, Hager, Bean and Wallner

Rep. Spaulding spoke against the report.

A division was requested.

142 members having voted in the affirmative and 106 in the negative, the Speaker declared the vote void because less than two-thirds of the members necessary to render their acts and proceedings valid. (Art. 20)

#### COMMITTEE OF CONFERENCE REPORT ON SB 134-FN-A

The committee of conference to which was referred Senate Bill 134-FN-A, An Act to commission a study of an environmental risk insurance fund and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 5 with the following:

5 Appropriation. In addition to any other sums appropriated to the department of insurance, there is hereby appropriated the sum of \$40,000 for the fiscal year ending June 30, 1988, to the department of insurance for the use of the commission in collection and processing data, engaging such consultants as the commission deems necessary, and preparation of its report and recommendations. Any part of such sum which has not been expended by April 15, 1988, shall lapse to the general fund. In addition to such appropriation the department of insurance may accept any gifts, grants, and contributions donated to the commission, and shall provide that any such donation be available for the use of the commission. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

#### AMENDED ANALYSIS

This bill establishes a 14 member environmental risk insurance fund study commission to study matters relative to the establishment of an environmental risk insurance safety fund. This bill provides that the commission shall be chaired by the insurance commissioner and that administrative support shall be provided by the insurance department.

This bill, as amended, appropriates \$40,000 for fiscal year 1988 to the department of insurance for the use of the commission. Such appropriation shall lapse on April 15, 1988. The insurance department may also accept, for the use of the commission any gifts, grants, or contributions. The bill provides that the commission shall file its report, along with any recommended legislation, with the senate president and speaker of the house by April 15, 1988.

Conferees on the Part of the Senate:

Sens. Delahunty, Bond and Roberge

Conferees on the Part of the House:

Reps. Christy, Pantzer, Patricia Foss and Buckley

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 139

The committee of conference to which was referred Senate Bill 139, An Act relative to election law dates having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 Chartered Municipalities. Amend RSA 669:1 to read as follows:

669:1 Election Dates. All towns shall hold a town election annually for the election of town officers on the second Tuesday in March except those towns which have adopted the provisions of RSA 31:94-a and have, by majority vote at a previous town meeting, decided to elect officers on the

second Tuesday in May. For the purposes of election law dates, any chartered municipality which has exercised its powers under RSA 49-B and which is not a town or a city shall comply with the provisions of RSA 44:11.

7 Effective Date. This act shall take effect 60 days after its passage.

Conferees on the Part of the Senate:  
Sens. Freese, Dignard and Delahunty  
Conferees on the Part of the House:  
Reps. Flanagan, Holden, Leclerc and Betty Hall

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 161-FN

The committee of conference to which was referred Senate Bill 161-FN, An Act relative to state annuity benefits for group 11 members of the New Hampshire retirement system and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and  
That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:  
Sens. Delahunty, Freese and Pressly  
Conferees on the Part of the House:  
Reps. Hawkins, Richard Campbell, Kenneth MacDonald and Lawrence Richardson

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 174-FN

The committee of conference to which was referred Senate Bill 174-FN, An Act establishing a committee to study retirement system benefits having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

#### 2 Membership; Organizational Meetings.

##### I. The committee shall consist of:

(a) Three members of the senate finance committee and one member of the senate insurance committee, appointed by the senate president.

(b) Three members of the house executive departments and administration committee and one member of the house appropriations committee, appointed by the speaker of the house of representatives.

II. The first senator named to the committee shall call the organizational meeting for the committee no later than July 1, 1987. The



members of the committee shall select a chairman at their organizational meeting.

Conferees on the Part of the Senate:

Sens. Freese, Roberge and Bond

Conferees on the Part of the House:

Reps. Hawkins, Kenneth MacDonald, Richard Campbell and Lawrence Richardson

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 176-FN

The committee of conference to which was referred Senate Bill 176-FN, An Act changing financial disclosure requirements, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. St. Jean, Dupont and Podles

Conferees on the Part of the House:

Reps. Palumbo, Harold Burns, Beverly Gage and Densmore

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 180-FN-A

The committee of conference to which was referred Senate Bill 180-FN-A, An Act relative to restoring the original state house and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. St. Jean, Dupont and Bartlett

Conferees on the Part of the House:

Reps. Pearson, Marsh, Driscoll and Callaghan

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 183

The committee of conference to which was referred Senate Bill 183, An Act relative to coverage for mental or nervous conditions, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Delahunty, Roberge and Blaisdell

Conferees on the Part of the House:

Reps. Sara Townsend, Patricia Foss, Packard and Densmore

Report adopted.



## COMMITTEE OF CONFERENCE REPORT ON SB 197-FN

The committee of conference to which was referred Senate Bill 197-FN, An Act relative to alarm installers having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and  
That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:  
Sens. Freese, Dupont and Pressly  
Conferees on the Part of the House:  
Reps. McCain, Hawkins, Mace and Cusson

Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 200-FN

The committee of conference to which was referred Senate Bill 200-FN, An Act permitting group II state employee members who reach age 60 to make an election for retirement benefits having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and  
That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:  
Sens. Delahunty, Blaisdell and Freese  
Conferees on the Part of the House:  
Reps. Hawkins, Richard Campbell, Kenneth MacDonald and Lawrence Richardson

Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 211-FN

The committee of conference to which was referred Senate Bill 211-FN, An Act relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study committee having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and  
That the House recede from its position in adopting its amendment to the bill, and  
That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Oil Spillage in Public Waters; Purpose. Amend RSA 146-A:1 to read as follows:

146-A:1 Declaration of Purpose. The purpose of this chapter is to cope with the problem of pollution from the spillage of oil, recognizing the damage resulting to vegetation, marine, animal and bird life from oil spillage. The general court finds that pollution of domestic water supplies by leaking underground storage tanks has become a serious

threat to the health of those persons who rely on such water supplies. It is the intent of this chapter to provide procedures that will expedite the cleanup of oil spillage, mitigate the adverse effects of leaking underground storage tanks, to encourage preventive measures, provide financial assistance to victims of such leaks and to encourage private organizations to assist in [that effort] these efforts.

2 Oil Pollution Control Fund; Purpose and Use. Amend RSA 146-A:11-a to read as follows:

146-A:11-a Oil Pollution Control Fund.

1. There is hereby established the New Hampshire oil pollution control fund. This non-lapsing, revolving fund shall pay the salaries and expenses of the persons specified in RSA 146-A:11, except the civil engineer IV and one environmentalist III, as well as the costs to implement the provisions of RSA 146-A which include but are not limited to the costs of removal or corrective measures deemed necessary by the division of water supply and pollution control as a result of an actual or potential oil discharge into or onto the surface or groundwaters of the state. Moneys from the fund shall be used to mitigate the adverse effects of leaking underground storage tanks including, but not limited to, provision of emergency water supplies to persons affected by such pollution, and, where necessary as determined by the department of environmental services, the establishment of an acceptable source of potable water to injured third parties. Not less than 10 percent of the moneys in the fund shall be allocated annually for research programs dedicated to the development and improvement of preventive and clean-up measures concerning such oil discharges. In the event of an oil discharge, the division of water supply and pollution control may expend, with the approval of governor and council, such additional sums as are necessary to clean up the discharge except that the total amount expended may not exceed the balance in the New Hampshire oil pollution control fund. Income derived from the oil pollution control fund shall only be used for those administrative costs needed to implement RSA 146-A and any other costs cited in this section.

II. Moneys in the fund not currently needed to meet the obligations of the division of water supply and pollution control under this chapter shall be deposited with the state treasurer to the credit of said fund and may be invested as provided by law. Interest received on such investment shall also be credited to the fund. If the fund's balance becomes greater than [\$1,500,000] \$2,750,000, the license fees established in RSA 146-A:11-b, II, shall be discontinued and only re-established when the fund's balance is 20 percent below the [\$1,500,000] \$2,750,000 balance.

III. Corrective measures authorized by this chapter shall include but not be limited to:

- (a) provision of interim water supplies to residents whose water supplies have been contaminated due to an oil discharge;
- (b) where necessary, as determined by the division of water supply and pollution control, the establishment of an acceptable source of potable water to injured third parties;
- (c) damage mitigation and prevention procedures established pursuant to RSA 146-A:11-c, V-a;
- (d) clean-up of pollution caused by leaking underground storage tanks; or
- (e) removal of leaking or potentially leaking underground storage tanks and the installation of new underground storage tanks, excluding the cost of the tanks and any part of such tanks. The division of water supply and pollution control shall make loans for the purposes stated in this paragraph, taking into account the net worth of the owner, the unavailability, inadequacy, or prohibitive price of liability insurance, and the hardship that would occur if the owner replaced the leaking or potentially leaking underground storage tanks. All decisions

made by the director shall be in writing, including the reasons for such decision. The division of water supply and pollution control shall produce an application form for loans under this section.

IV. In disbursing funds for loans under this section, priority consideration shall be given, in order, to measurers which the director of the division of water supply and pollution control determines will provide: 1) protection against the imminent threat of spreading pollution which endangers potable water supplies, and 2) assistance to victims of water pollution; provided that such prioritization does not preclude disbursement of funds for other purposes of this chapter.

V. Appeal from the division of water supply and pollution control's determination and any decision made pursuant to this section shall be made to the water supply and pollution control council pursuant to RSA 21-0:7, IV.

VI. All funds paid to the state to reimburse costs paid out of the oil pollution control fund by any person or operator strictly liable to the state under RSA 146-A:3-a and 146-C:11, and repayments of any other loans made under this chapter, shall be placed in the oil pollution control fund.

3 Strict Liability for Corrective Measures. Amend RSA 146-A:3-a, I(b) to read as follows:

(b) Cleanup and restoration of the site and surrounding environment, and corrective measures as defined under RSA 146-A:11-a, III, (a) and (b); and

4 Strict Liability for Corrective Measures. Amend RSA 146-C:11, I(b) to read as follows;

(b) Cleanup and restoration of the site and surrounding environment, and corrective measures as defined under RSA 146-A:11-a, III, (a) and (b); and

5 New Paragraph; Oil Pollution Control Fund Loans. Amend RSA 146-A:3-a by inserting after paragraph II the following new paragraph:

III. If any liability arises under this section, owners, operators, or other persons may apply for loan funds in an amount not to exceed \$50,000 per applicant, from the oil pollution control fund, as provided in RSA 146-A:11-a, III(e).

6 New Paragraph; Oil Pollution Control Fund Loans. Amend RSA 146-C:11 by inserting after paragraph IV the following new paragraph:

V. Loans, in an amount not to exceed \$50,000, shall be available from the oil pollution control fund, as provided in RSA 146-A:11-a, III(e), to any owner, operator, or other person found liable under this section.

7 Tort Liability; Groundwater Contamination. Amend RSA 146-A:10 to read as follows:

146-A:10 Tort Liability to Third Persons. Any person who negligently or intentionally discharges or spills oil into or on the waters of any lake, pond, river, stream, or into tidal waters or into the groundwaters of the state which causes damage to the property of another shall be liable in tort to the person whose property is so damaged in double the amount of the damages sustained by him.

8 New Paragraphs; Oil Pollution; Damage Mitigation and Prevention; Inspection and Verification of Transfer Records. Amend RSA 146-A:11-c by inserting after paragraph V the following new paragraphs:

V-a. Procedures for mitigation and prevention of damage due to oil leakage or spillage.

V-b. Procedures for inspection and verification of oil transport and transfer records of licensees under RSA 146-A:11-b.

9 Penalty Fees; Oil Pollution Control Fund. Amend RSA 146-C:10 to read as follows:

146-C:10 Penalty.

I. Any person who owns or operates an underground storage facility without a permit as required by this chapter or who fails to

comply with a condition of that permit or who violates the rules adopted under this chapter relative to underground storage facilities shall be subject to a civil penalty of not more than \$1,000 for each day of violation. Such a violation may also be enjoined by the superior court upon application of the attorney general. An owner who is not also the operator of the facility shall not be liable for violations relating to recordkeeping and inventory control, except where the owner controls the inventory.

II. All moneys collected under this section shall be paid into the oil pollution control fund established under RSA 146-A:11-a.

10 New Paragraphs; Rulemaking; Oil Pollution Control Loans. Amend RSA 146-A:11-c by inserting after paragraph XI the following new paragraphs:

XII. Application procedures for loans under RSA 146-A:11-a, III(e).

XIII. Eligibility criteria for loans under RSA 146-A:11-a, III(e).

XIV. Administration of loans provided under RSA 146-A:11-a, III(e).

11 License Fee; Importation of Oil into the State. Amend RSA 146-A:11-b, II to read as follows:

II. Any operator, distributor, dealer, or broker [who has a storage facility capable of storing 1,000 or more barrels of oil and] who or any wholesale terminal facility which transfers or transports or causes to be transferred or transported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed under this chapter. The annual fee for the license shall be determined on the basis of \$.025 per barrel of oil transferred into this state during the license period. The license fee shall be computed at the point of entry of the oil into this state. The fee shall be paid monthly by the licensee to the division of water supply and pollution control and then deposited by the division of water supply and pollution control into the oil pollution control fund. Imposition of the fee shall be based on records of the licensee and certified as accurate to the division of water supply and pollution control.

12 New Paragraph; New Definition; Wholesale Terminal Facility. Amend RSA 146-A:2 by inserting after paragraph X the following new paragraph:

XI. "Wholesale terminal facility" means any facility of any kind and its related appurtenances that is primarily a wholesale distributor of oil products and that is used or capable of being used for pumping, handling, transferring, processing, refining, or storing oil.

13 New Definition; Licensee. Amend RSA 146-A:11-b, 1-a to read as follows:

(a) "Licensee" means any [person owning or operating an oil terminal facility, whether by lease, contract or any other form of agreement, within this state; and] operator, distributor, dealer, or broker who, or any wholesale terminal facility which transfers or causes to be transferred or transported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products.

14 Study Committee Established. An interim study committee is established to examine financing mechanisms for an underground storage tank replacement revolving loan fund, to investigate the equitability of the current license fee under RSA 146-A, and to investigate alternative sources of funding with which owners of underground storage tanks might meet their financial responsibility. The committee shall consist of 11 members, as follows:

1. Two members of the house of representatives appointed by the speaker of the house; of these 2 members, one shall be a member of the



committee on resources, recreation and development, and the other shall be a member of the environment and agriculture committee.

II. Two members of the senate, appointed by the senate president, both of whom shall be members of the development, recreation and environment committee.

III. Three members representing the oil industry in the state, one of whom shall represent the independent gasoline dealers, to be appointed by the governor.

IV. The state treasurer or his designee.

V. The commissioner of environmental services or his designee.

VI. The director of the governor's energy office or his designee.

VII. The commissioner of insurance or his designee.

15 Purpose. The creation of this committee under section 14 of this act represents the legislature's recognition of the need to minimize the economic burden placed on small businesses by new rules and the need to protect groundwater quality without causing undue financial hardship to small businesses.

16 Duties of Committee. The study committee shall investigate means of financing and administering an underground storage tank revolving loan fund for the purpose of tank replacement and compliance with rules, and the equitability of the current license fee under RSA 146-A, and alternative sources of funding including loans where necessary for cleanup of pollution caused by gasoline and oil leaks and spills with which owners of underground storage tanks might meet their financial responsibility including, but not limited to, an insurance pool. The committee shall report its recommendations for legislation to the governor, the president of the senate, and the speaker of the house no later than November 1, 1987.

17 Priority Actions. The Northwood water district, Meredith Centre, and the Lochmere section of the town of Tilton shall be given immediate priority consideration without preference by the division of water supply and pollution control in authorizing the provision of assistance provided for in this act.

18 Compensation. Members of the study committee shall serve without compensation, except that members of the legislature shall receive mileage at the legislative rate.

19 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sens. Hounsell, Johnson and St. Jean

Conferees on the Part of the House:

Reps. Bardsley, Conroy, Vaughn and Spear

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 219-FN-A

The committee of conference to which was referred Senate Bill 219-FN-A, An Act relative to a state operated multiple DWI offender minimum security detention center and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 Appropriation. The sum of \$100,000 is hereby appropriated to the office of alcohol and drug abuse prevention for the fiscal year ending June 30, 1988. This appropriation shall be lapsing and shall cover the costs of the first year of operation of the multiple DWI offender intervention detention center program which, after its first year of operation, shall be self-supporting. This appropriation is in addition to any other funds appropriated to the office of alcohol and drug abuse prevention. The office may accept any federal funds or other funds which become available for purposes of the program. If federal funds or other funds become available in an amount which exceeds \$150,000, the state appropriation may be reduced so long as the total amount of state, federal, and other funds available for the program is not less than \$250,000. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

#### AMENDED ANALYSIS

This bill, as amended, provides for certain DWI treatment programs which will be required for multiple DWI offenders. The bill establishes a multiple DWI offender intervention detention center program to be administered and operated by the office of alcohol and drug abuse prevention. The sum of \$100,000 is appropriated from the general fund for the operation of this program. After the first year of operation, the program shall be self-supporting, funded by fees to be collected from clients.

The multiple DWI offender intervention detention center program shall not become operational until certain renovations to Spaulding Hall at the Laconia state school, where the program will be located, have been completed.

This bill, as amended, clarifies the language of the law on driving after revocation or suspension without actually changing the substance of that law.

Conferees on the Part of the Senate:  
Sens. White, Stephen and Krasker  
Conferees on the Part of the House:  
Reps. Alf Jacobson, Sytek, Dexter and Cote

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 229-FN

The committee of conference to which was referred Senate Bill 229-FN, An Act relative to health clubs, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 358-I:6-a as inserted by section 7 by replacing it with the following:

358-I:6-a Rulemaking. The attorney general shall adopt rules, pursuant to RSA 541-A, relative to:

I. The information required on the registration statement required under RSA 358-I:2, I.



II. The financial documentation necessary to assure financial responsibility to make refunds under RSA 358-I:2.

III. Documentation evidencing qualification for exemption under RSA 358-I:2.

IV. Procedures for the escrow of deposits as required by RSA 358-I:2.

V. Procedures for providing membership plan information under RSA 358-I:4.

Conferees on the Part of the Senate:

Sens. Pressly, Heath and Johnson

Conferees on the Part of the House:

Reps. A. Leslie Burns, Phelps, Pantzer and Reardon

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 232-FN

The committee of conference to which was referred Senate Bill 232-FN, An Act relative to the board of barbering and cosmetology having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Freese, Dismard and Delahunty

Conferees on the Part of the House:

Reps. McCain, Cusson, Mace and Ann Torr

Report adopted.

(Speaker in the Chair)

The Speaker declared a quorum was now present and proceeded with the Committee of Conference report on SB 130.

Rep. Sytek spoke to the report.

Rep. Robert Jones spoke in favor of the report.

Rep. Spaulding spoke against the report.

A division was requested.

160 members having voted in the affirmative and 127 in the negative, the report was adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 212-FN-A

The committee of conference to which was referred Senate Bill 212-FN-A, An Act increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate:

Sens. Torr, Dupont and Nelson

Conferees on the Part of the House:

Reps. Woodward, Bardsley, Leonard Smith and Vaughn

Rep. LaMott moved that the Committee of Conference be discharged and a new Committee of Conference be appointed and spoke to his motion.

Reps. Woodward, Dingle, Ward and Leonard Smith spoke against the motion.

Rep. LaMott spoke a second time and requested a roll call.  
Sufficiently seconded.

YEAS 31 NAYS 259  
YEAS 31

BELKNAP: Holbrook.

CARROLL: None.

CHESHIRE: Morse and William Riley.

COOS: None.

GRAFTON: LaMott, Ezra Mann and Weymouth.

HILLSBOROUGH: Buckley, Burkush, Champagne, Cusson, Joseph M. Eaton, Genest, Leclerc, Robert Murphy, O'Rourke, Pappas, Reardon, Reidy, Routhier and Soucy.

MERRIMACK: Fillion, Kidder, Doris Riley and Wallner.

ROCKINGHAM: Thomas Gage, Pevear, Sherburne and Walker.

STRAFFORD: Bernard and Chamberlin.

SULLIVAN: Spaulding.

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BELKNAP: Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Jensen, Maviglio, Pearson, Thurston and Turner.

CARROLL: Allard, Russell Chase, Robert Holmes, Kenneth MacDonald, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Clark, Cole, Daschbach, Jesse Davis, Delano, Doucette, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, LaMar, Matson, Parker, Perry, Pierce, Ramsay, Sawyer and Schwartz.

COOS: Brungot, Harold Burns, Coulombe, Frederic Foss, Guay, Kilbride, Lemire, Marsh, Nelson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Chambers, Christy, Crystal, Dearborn, Densmore, Driscoll, Hammond, Wayne King, Lougee, McAvoy, Rounds, Stewart, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baldizar, Bowers, A. Leslie Burns, Cid, Cote, Cowenhoven, Daigle, Ann Derosier, William Desrosiers, Domaingue, Donovan, Drolet, Dwyer, Dykstra, Clyde Eaton, Fields, Frank, Ruth Gage, Granger, Scott Green, Guilbert, Betty Hall, Marian Harrington, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Kurk, Lefebvre, Levesque, Long, Lown, Lozeau, Mason, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Mulligan, Packard, Paquette, Perham, Pignatelli, Prestipino, Herbert Richardson, Ellen-Ann Robinson, Rodgers, Sallada, Shriver, Leonard Smith, Stiles, Sullivan, Tarpley, Turgeon, Ware, Watson, Emma Wheeler, Kenneth Wheeler, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Bardsley, Beaton, Laurent Boucher, Cahill, James Chandler, Fraser, Gilbreth, Gross, Hager, Douglas Hall, Hess, Alf Jacobson, C. William Johnson, Burton Knight, Lockwood, Manus, Millard, Nichols, Phelps, Provencal, Stio, Tupper, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Benton, Butler, Marilyn Campbell, Conroy, Cressy, Cushing, Ellyson, Felch, Fesh, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Gosselin, Gourdeau, Elizabeth Greene, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Mace, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Parr, Popov, Read, Ritzo, Sanderson, Schmidtchen, Seward, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vartanian, Vaughn, Warburton, Weddle, Welch, Wells, Woodward and Wright.

STRAFFORD: Appleby, Bates, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Frechette, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Parks, Pelley, Francis Robinson, Spear, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, D'Amante, Domini, Flint, Ingram, Krueger, Lindblade, McKee, Peyron, Rodeschin, Schotanus and Sara Townsend, and the motion lost.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 10-A

The committee of conference to which was referred Senate Bill 10-A, An Act permitting state participation in a Clean Water Act State Revolving Loan Fund, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; State Water Pollution Control Revolving Loan Fund; Clean Water Act. Amend RSA 149-B by inserting after section 11 the following new section:

149-B:12 State Water Pollution Control Revolving Loan Fund.

I. Authority is hereby granted for the state of New Hampshire to participate in the federally funded state water pollution control revolving loan fund as may be provided under the Clean Water Act as amended from time to time. The loan fund shall be administered by the commissioner of the department of environmental services under rules adopted by the commissioner under the provisions of RSA 541-A. A committee composed of the governor or designee, the commissioner of environmental services or designee, the treasurer or designee, one member of the executive council to be named by the governor, the chairman of the senate capital budget committee or designee, the chairman of the house resources, recreation and development committee or designee, one member of the house of representatives appointed by the speaker of the house, and one member of the senate appointed by the president of the senate, shall assist and advise the commissioner of environmental services in developing guidelines and rules for determining eligibility and the administration of the loan fund.

II. It is the intent of the general court that many projects be considered for inclusion in the state water pollution control revolving loan fund program. The following projects shall be given first consideration for inclusion:

- (a) Manchester sewage treatment plant expansion.
- (b) Exeter sewage treatment plant.
- (c) Monroe sewage treatment plant.

2 Appropriation. The sum of \$2,400,000 is hereby appropriated for the biennium ending June 30, 1989, for the state water pollution control revolving loan fund described in RSA 149-B:12 as inserted by section 1 of this act for the purpose of providing a 20 percent state matching grant for the federal funds deposited in said fund during fiscal year 1989. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. This appropriation shall be nonlapsing and in addition to any other sums appropriated to the state water pollution control revolving loan fund.

3 Study Committee Established. There is hereby established a study committee to review the funding mechanism of state water pollution control revolving loan fund and the federal changes in the Clean Water Act. The committee shall consist of 3 members of the senate finance committee appointed by the chairman of senate finance and 3 members of the house appropriations committee appointed by the chairman of the house appropriations committee. The committee shall select a chairman from its membership and shall meet at the call of the chairman. Committee members shall be entitled to legislative mileage in performing duties in connection with the committee work. The committee shall report its findings and recommendations to the president of the senate and the speaker of the house of representatives on or before December 1, 1987.

4 Conway Village Fire District. The sum of \$960,000 for the fiscal year ending June 30, 1988, is hereby appropriated to the Conway village fire district for the purposes of sewer treatment plant expansion, lagoon system expansion, and for interceptors. This appropriation shall be used to complete the treatment ability of the federal and state-funded sewage system begun in 1979. This appropriation shall be in addition to any other funds appropriated or allocated to the district by the state for water pollution control. This appropriation shall not be construed as setting any precedent for any other projects for replacement of federal funds withdrawn. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Bonds Authorized. The Conway village fire district is hereby authorized to issue bonds in an amount not to exceed \$320,000, with a 20 year maturity date, for the purposes of sewer treatment plant expansion, lagoon system expansion, and for interceptors. This bond issue shall be used to complete the treatment ability of the federal and state-funded sewage system begun in 1979. Notwithstanding any provision of RSA 33 or any other law to the contrary, such bonds shall be issued at the rate currently available for state bonds issued under RSA 6-A.

6 Appropriation; Matching Funds. The sum of \$256,000 is hereby appropriated to be expended in order to reimburse the Conway village fire district for a total of 80 percent of the cost of the bonds issued under section 5 of this act. The state of New Hampshire shall reimburse the Conway village fire district on an annual basis until the maturity date of the bonds is reached. The sum appropriated in this section shall be a continuing appropriation and shall not lapse. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date. This act shall take effect July 1, 1987.

## AMENDED ANALYSIS

As amended, this bill authorizes the state to participate in the state revolving loan fund established under the 1986 Clean Water Act amendments if such amendments are enacted. The bill also appropriates \$2,400,000 for the state revolving loan fund as a 20 percent state matching grant. The bill further establishes a legislative study committee to review the funding mechanism of the revolving loan fund and the federal changes in the Clean Water Act.

As amended, this bill appropriates \$960,000 for the fiscal year ending June 30, 1988, to the Conway village fire district for the purposes of sewer treatment plant expansion, lagoon system expansion, and for interceptors. This appropriation will be used to complete the treatment ability of the federal and state-funded sewage system begun in 1979, now that federal funding for the project has ended.

As amended, the bill authorizes the Conway village fire district to issue 20 year bonds in an amount not to exceed \$320,000 for the purpose of funding the same waste water treatment system. The state is authorized to reimburse the district for 80 percent of the payments it makes on the bonds; and \$256,000 in nonlapsing funds is appropriated for that purpose.

Conferees on the Part of the Senate:

Sens. Hounsell, Preston and Bartlett

Conferees on the Part of the House:

Reps. Woodward, Cid, Leonard Smith and Vaughn

Rep. Woodward spoke in favor of the report.

Rep. James Chandler spoke against the report and yielded to questions.

On a voice vote the Speaker was in doubt and requested a division.

198 members having voted in the affirmative and 87 in the negative, the report was adopted.

## SENATE MESSAGES

## ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 554-FN, to revise municipal and tax sale practices.

HB 629-FN, relative to the administration and investments of the New Hampshire retirement system.

HB 641, relative to various motor vehicle laws.

HB 695-FN, relative to the committal orders for persons found not guilty by reason of insanity.

HB 725-FN, relative to the attorney general.

HB 201-FN, relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property.

HB 296, establishing a department of securities and making an appropriation therefor.

HB 355, relative to the assumption of local probation functions by the state and making an appropriation therefor.

HB 10-FN-A, relative to state employee salaries and judicial salaries and making an appropriation therefor.

HB 83, relative to the Cornish-Windsor bridge and making an appropriation therefor.

HB 104, relative to sunset review of the office of state planning.

HB 107, relative to sunset review of the department of revenue administration - community services.

HB 133-FN, relative to sunset review of state liquor commission - merchandising and relative to the state liquor commission.

HB 142-FN, relative to sunset review of the fish and game department - administration and support.



HB 143, relative to sunset review of the department of fish and game law enforcement.

HB 165-FN, relative to sunset review of department of employment security and relative to appellate procedure in such department.

HB 167-FN, relative to sunset review of the department of postsecondary vocational-technical education.

HB 479, relative to delaying condominium conversions following certain rental increases.

HB 508, authorizing transfer within a program appropriation unit of the department of health and human services.

HB 692, establishing an involuntary treatment task force.

HB 727, relative to the right-to-know law.

#### NONCONCURRENCE WITH COMMITTEE OF CONFERENCE REPORT

HB 433, relative to the termination of county employees.

#### COMMITTEE OF CONFERENCE REPORT

HB 355-FN-A, relative to the assumption of local probation functions by the state and making an appropriation therefor. (Report printed SJ 5/15)

Report adopted.

#### SUSPENSION OF RULES

Rep. Fraser moved that the rules be so far suspended as to extend the deadline date for reporting the Committee of Conference report on HB 296-FN-A, establishing a department of securities and making an appropriation therefor.

Adopted by the necessary two-thirds.

Rep. Fraser moved that HB 296 be made a Special Order for Tuesday, May 19.

Adopted.

Rep. Fraser moved that the Conferees on HB 296 be discharged and the Speaker appoint new Conferees.

Adopted.

The Speaker appointed Reps. Fraser, Buckley, Packard and McCain.

#### COMMITTEE OF CONFERENCE REPORTS

HB 167-FN, relative to the sunset review of the department of vocational-technical education. (Report printed SJ 5/15)

Report adopted.

HB 201-FN, relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property. (Report printed SJ 5/15)

Report adopted.

HB 10-A, relative to state employee salaries and judicial salaries and making an appropriation therefor. (Report printed SJ 5/15)

Report adopted.

HB 83-A, relative to the Cornish-Windsor bridge and making an appropriation therefor. (Report printed SJ 5/15)

Report adopted.



HB 104-FN, relative to sunset review of the office of state planning.  
(Report printed SJ 5/15)  
Report adopted.

HB 107-FN, relative to sunset review of the department of revenue  
administration - community services. (Report printed SJ 5/15)  
Report adopted.

HB 133-FN, relative to sunset review of state liquor commission -  
merchandising and relative to the state liquor commission. (Report  
printed SJ 5/15)  
Report adopted.

HB 142-FN, relative to sunset review of the fish and game department -  
administration and support. (Report printed SJ 5/15)  
Report adopted.

HB 143-FN, relative to sunset review of the department of fish and  
game - law enforcement. (Report printed SJ 5/15)  
Report adopted.

HB 165-FN, relative to sunset review of the department of employment  
security and relative to appellate procedure in such department. (Report  
printed SJ 5/15)  
Rep. Warburton explained the report.  
Report adopted.

HB 554-FN, to revise municipal tax sale practices. (Report printed SJ  
5/15)  
Report adopted.

HB 629-FN, relative to the administration and investments of the New  
Hampshire retirement system. (Report printed SJ 5/15)  
Report adopted.

HB 641, relative to various motor vehicle laws. (Report printed SJ  
5/15)  
Rep. Hoar yielded to questions.  
Report adopted.

HB 695-FN, relative to committal orders for persons found not guilty  
by reason of insanity. (Report printed SJ 5/15)  
Report adopted.

HB 725-FN, relative to the attorney general. (Report printed SJ 5/15)  
Report adopted.

HB 727, relative to the right-to-know law. (Report printed SJ 5/15)  
Report adopted.

#### SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 200, making appropriations for capital improvements.  
HB 100, making appropriations for capital improvements.

#### COMMITTEE OF CONFERENCE REPORTS

HB 508, authorizing transfers within a program appropriation unit of  
the department of health and human services. (Report printed SJ 5/15)  
Rep. Sochalski explained the report.  
Report adopted.

HB 692-FN, establishing an involuntary treatment task force. (Report printed SJ 5/15)  
Report adopted.

HB 479, relative to delaying condominium conversions following certain rental increases. (Report printed SJ 5/15)  
Report adopted.

SENATE MESSAGE  
NONCONCURRENCE WITH COMMITTEE OF CONFERENCE REPORTS  
APPOINTMENT OF NEW COMMITTEES OF CONFERENCE

HB 322-FN-A, relative to AIDS virus and making an appropriation therefor.

The President appointed Sens. Krasker, Bond and Dupont.

HB 440, relative to intrastate motor carriers.  
The President appointed Sens. Dupont, Johnson and Preston.

Rep. Palumbo moved that the Committee of Conference on HB 440, relative to intrastate motor carriers, be discharged and a new Committee of Conference be appointed.

Adopted.

The Speaker appointed Reps. Malcolm, John Flanders, Burton Knight and Haynes.

SENATE MESSAGE  
ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 276-FN-A, relative to the rate of the real estate transfer tax.

COMMITTEE OF CONFERENCE REPORT

HB 276-FN-A, relative to the rate of the real estate transfer tax.  
(Report printed SJ 5/15)  
Report adopted.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 19 at 1:00 p.m.

Adopted.

LATE SESSION  
Third reading and final passage

Rep. Palumbo moved that the House stand in recess for the purpose of Enrolling Reports only.  
Adopted.

The House recessed at 6:05 p.m.

RECESS

(Speaker in the Chair)

ENROLLED BILLS REPORT

HB 241, relative to workers' compensation.

SB 21, relative to administrative inspection warrants.

SB 63, acquiring land on the Connecticut River and making an appropriation therefor.

SB 67, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs.

SB 72, relative to the industrial development authority and industrial development revenue bonds.

SB 155, relative to the toll barrier north of the Massachusetts state line on the central turnpike, southbound.

SB 220, relative to redemption after a tax sale.

HB 18, authorizing the secretary of state to appoint an office supervisor when an assistant secretary of state vacancy exists.

HB 36, relative to alimony and property settlements and fault grounds in divorce.

HB 260, providing for the reconstruction of a section of Prescott Road in the town of Raymond, and relative to the rehabilitation of the Westminster bridge on routes 12 and 123 in the town of Walpole and making an appropriation therefor.

HB 607, increasing the personal needs allowance for recipients of medical assistance residing in nursing homes, and making an appropriation therefor.

HB 650, directing the supreme court to establish a guardian ad litem compensation fund and relative to retired superior court justices.

HB 659, relative to payment of court appointed guardians and court costs in certain cases and making an appropriation therefor.

HB 702, relative to workers' compensation medical and vocational rehabilitation benefits.

SB 26, prohibiting homosexuals from adopting or being foster parents.

SB 128, authorizing the construction of a Keene bypass extension and making an appropriation therefor.

SB 199, relative to branch banking.

HB 379, relative to the retention of certain state-owned lands.

HB 421, relative to conservation commissions.

HB 589, relative to adjusted elderly exemptions.

HB 595, changing the time and place for holding the first meeting of the county convention.

HB 599, relative to submetering in campgrounds by master meter utility customers.

HB 671, relative to disability benefits for firefighters.

HB 701, relative to the fee charged for copies of checklists.

Rep. Natalie S. Flanagan

For the Committee.

RECESS

CONFEREES CHANGE

HB 440 - Rep. Thurston replaces Rep. Haynes

(Speaker in the Chair)

Rep. Ezra Mann moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 28

*Tuesday, 19 May 87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Transcendent God, who is within us and yet beyond us, awaken in us a simple gratitude for life and all it holds. As we gather this day, we come from the busyness and demands of our own pursuits. We carry with us the concerns of aging parents, or wandering children or strained marriages, or sickness and worry.

We ask that we may remain sensitive and dedicated people, even when the demands are great. For we are daily surrounded by those who glance, but do not see; listen, but do not hear; tolerate but do not appreciate.

Grant, O God, that we may feel Your spirit and presence in the simple joys of living. Help us to receive life itself as a wonderful gift, and to live with gratitude rather than constant complaints. Amen.

Rep. Bates led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Cutting, Boisvert, George Gordon, Cote and Felch, the day, illness.

Reps. Brown, Vanderlosk, Callaghan, Eunice Campbell, Hatch, Bean, Burkush, Alice Knight, Austin, Morse, Asplund, Skinner, Tarpley, Mary Holmes, Lewis, Kinney, Gilbreth, LaMar, Phillis Katsakiores, Lovejoy, Eleanor Anderson, Thomas Gage, Doris Riley, Walker, Domini, Emma Wheeler, Marian Harrington, Daschbach, Ann Torr, Lozeau, Marilyn Campbell, Robert Jones, Nichols, Gerald Smith, Michael Jones, Ralph Torr, Blacketor and Cahill, the day, important business.

Rep. Walter, the day, death in the family.

Reps. Joseph MacDonald and Boutwell, the day, illness in the family.

Reps. Palumbo and Chambers moved that the Senate be notified that the House is ready to meet in Joint Convention for the purpose of hearing an address by Congressman Richard Gephardt.

Adopted.

## INTRODUCTION OF GUESTS

Hilda Peyton, mother of Rep. Chambers; Exeter Junior High History Club, their teacher and Bruce Scamman, guests of Rep. Scamman; 5th grade students from the Emerson School in Fitzwilliam and their teacher, Mrs. Robert, guests of Rep. Davis; Lucille Frechette, wife of Rep. Frechette; Linda Lowell, guest of the House; Ronald R. Knapp, guest of the Clerk; Jean Nelson, wife of Rep. Nelson; Peter Summers, guest of Rep. Chambers; Howard Bourque and Pat Jancy, husband and guest of Rep. Bourque.

## ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 300, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989.

## APPOINTMENT OF NEW CONFEREES

HB 296 - Sens. Delahunty, Dupont and Blaisdell.

## ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

SB 212-FN-A, increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor.

SB 130-FN-A, relative to the trust fund for the prevention of child abuse and neglect, and making an appropriation therefor.

SB 10-A, permitting state participation in a Clean Water Act State Revolving Loan Fund.

SB 229, relative to health clubs.

SB 219-FN-A, relative to a state operated multiple DWI offender minimum security detention center and making an appropriation therefor.

SB 211, relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study committee.

SB 174-FN, establishing a committee to study retirement system benefits.

SB 139, relative to election law dates.

SB 134-FN, to commission a study of an environmental risk insurance fund and making an appropriation therefor.

SB 75-A, authorizing the study of the feasibility of reconstructing U.S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor.

SB 62, relative to counting absentee ballots in cities and towns which use voting machines.

SB 1-A, establishing the New Hampshire land conservation investment program and making an appropriation therefor.

SB 27, relative to the commemorative rifle or shotgun lottery.

SB 34, relative to the advisory budget control committee and the fiscal committee.

SB 176, changing financial disclosure requirements.

SB 180, relative to restoring the original state house and making an appropriation therefor.

SB 183, relative to coverage for mental or nervous conditions.

SB 197, relative to alarm installers.

SB 200, permitting group II state employee members who reach age 60 to make an election for retirement benefits.

SB 232-FN, relative to the board of barbering and cosmetology.

SB 6-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor.

SB 41, relative to unclassified state employees.

SB 83, relative to distributing political campaign literature at polling places on election day.

SB 90, relative to amusement parks.

SB 106, relative to the responsibilities of the commissioner of safety.

SB 161-FN, relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor.

## SENATE MESSAGE

The Senate is ready to meet with the House in Joint Convention.

## JOINT CONVENTION

(Speaker presiding)

The Speaker introduced Congressman Richard Gephardt who addressed the Convention briefly.

President Bartlett addressed the Convention briefly.

It is truly a pleasure to address this august body as we come to the close of another historic session of the New Hampshire Legislature. I have gained a deeper appreciation of the process. Words alone seem little enough to acknowledge the debt owed for the success of this session to the House of Representatives as a whole and as individuals, leadership and membership.

I would like to extend my appreciation and that of the Senate to you, Mr. Speaker. Let me say your responsiveness, your earnest and responsible approach, your cooperation and firm-minded efforts made my job easy. A model for many to follow. Your leadership served the House and the people of New Hampshire well.

To you, the Representatives, whether acting as Committee Chairpersons, or as members, individually and as a whole, may I extend to you as well, my thanks and those of the Senate for the teamwork, cooperation, professionalism and statesmanship you have shown throughout the session. It is a delicate task to maintain the balance between the needs and best interests of constituents, districts, the State as a whole, and of each chamber. The unity of purpose and the productivity of this session will be appreciated in future years.

Perhaps the most dramatic illustration of this team spirit we experienced was the response to the fire in the Legislative Office Building. In spite of what could have been a disaster, the membership and the staff of the House rallied in support not only of their own, but also of the Senate. This isolated event demonstrated the best elements of perseverance, cooperation, and good old New Hampshire ingenuity --- virtues which have been the hallmark of all our efforts undertaken here this year.

I have long believed that an electorate deserves the best representation it can get, and New Hampshire has been truly well-served here in 1987.

Mr. Speaker, members of the House, the Senate and I thank you and wish you an enjoyable recess.

Rep. Beverly Gage moved that the Senate President's remarks be printed in the Journal.  
Adopted.

Sen. Dupont and Rep. Palumbo moved that the Joint Convention arise.  
Adopted.

The Joint Convention adjourned.

## HOUSE

(Speaker in the Chair)

## COMMITTEE OF CONFERENCE REPORTS

HB 100, making appropriations for capital improvements. (Report printed SJ 5/15)



Rep. Marsh explained the report.  
Report adopted.

HB 200, making appropriations for capital improvements. (Report printed SJ 5/15)

Rep. Marsh explained the report.

Reps. Densmore and Matson spoke against the report.

Rep. Ward spoke in favor of the report.

Rep. Chambers spoke against the report and yielded to questions.

Rep. Palumbo spoke in favor of the report and yielded to questions.

A roll call was requested. Sufficiently seconded.

Rep. Wright abstained from voting under Rule 16.

YEAS 213 NAYS 112

YEAS 213

**BELKNAP:** Bolduc, Bowler, Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Locke, Pearson, Randall, Lawrence Richardson, Thurston and Wixson.

**CARROLL:** Allard, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

**CHESHIRE:** Clark, Jesse Davis, Delano, Irvin Gordon, Grodin, Hunt, Miller, Parker, Perry, Pierce, Ramsay, Sawyer and David Young.

**COOS:** Brady, Brungot, Harold Burns, Frederic Foss, Horton, Kilbride, Lemire, Marsh and Purrington.

**GRAFTON:** Adams, Christy, Dearborn, Driscoll, Hammond, LaMott, Lougee, Ezra Mann, Scanlan, Stewart, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

**HILLSBOROUGH:** Ahrens, Alukonis, Barbara Arnold, Bass, A. Leslie Burns, Chretien, Cowenhoven, Cox, Daigle, Ann Derosier, William Desrosiers, Paul Dionne, Donovan, Drolet, Dube, Ducharme, Dupont, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Granger, Grip, Holden, Humphrey, Chris Jacobson, Keefe, Robert Kelley, Korcoulis, Kurk, Lefebvre, Levesque, Lown, Magee, Mason, Bonnie McCann, Messier, Moore, Nixon, Packard, Pappas, Pariseau, Perham, Prestipino, Herbert Richardson, Ellen-Ann Robinson, Rodgers, Steiner, Stiles, Stonner, Wagner, Ware, Watson and Kenneth Wheeler.

**MERRIMACK:** Bardsley, Laurent Boucher, James Chandler, Fillion, Fraser, Gross, Hager, Douglas Hall, Hayes, Hess, Alf Jacobson, C. William Johnson, Kidder, Lockwood, Merton Mann, Millard, Pantzer, Phelps, Provencal, Rehlander, Stio, West and Whittemore.

**ROCKINGHAM:** Carl Anderson, Gordon Arnold, Barnes, Benton, Blaisdell, William Boucher, Butler, Lawrence A. Chase, Jr., Conroy, Drake, Ellyson, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Gosselin, Gourdeau, Elizabeth Greene, Haynes, Hoar, Robert Johnson, George Katsakiores, Roger King, Maurice MacDonald, Mace, Magoon, Malcolm, William F. McCain, Newell, Palumbo, Parr, Ritzo, Schmidtchen, Seward, Sherburne, Simon, Sochalski, Splaine, Sytek, Tufts, Warburton, Welch, Wells and Woodward.

**STRAFFORD:** Appleby, Bates, Bernard, Casey, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Kincaid, Koromilas, Martling, Parks, Proulx, Francis Robinson, Spear, Wall, Wilson and John Young.

SULLIVAN: Behrens, Ingram, Krueger, Lindblade, Peyron, Rodeschin, Schotanus and Sara Townsend.

NAYS 112

BELKNAP: Dexter, Golden, Maviglio and Turner.

CHESHIRE: Cole, Doucette, Daniel Eaton, Foster, Frink, Matson, William Riley and Schwartz.

COOS: Coulombe, Guay, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Arnesen, Bennett, Blair, Chambers, Crystal, Densmore, Michael King, Wayne King and Rounds.

HILLSBOROUGH: Ahern, Baker, Baldizar, Beaupre, Lionel Boucher, Bourque, Buckley, Champagne, Cid, Cusson, Gerard Desrochers, Domainque, Dwyer, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Guilbert, Betty Hall, Cornelius Keane, Donna Kelly, Leclerc, Long, McGlynn, Morrisette, Mulligan, Robert Murphy, O'Rourke, Paquette, Pignatelli, Price, Reardon, Reidy, Routhier, Shriver, Leonard Smith, Soucy, Sullivan, Turgeon, Winn, Zajdel and Zis.

MERRIMACK: Beaton, Burton Knight, Philbrick, Walter Robinson, Tupper, Wallner and Yeaton.

ROCKINGHAM: Blanchard, Blanchette, Carpenito, Cressy, Cushing, Hollingworth, Hynes, Joyce, McGovern, Pantelakos, Pevear, Popov, Read, Rosencrantz, Sanderson, Schwaner, Tilton, Vaughn and Weddle.

STRAFFORD: Albert Dionne, Frechette, Jean, Sandra Keans, Lachance, Laurion, Lussier, William McCann, McManus, Musler and Pelley.

SULLIVAN: Brodeur, D'Amante, Flint, Normandin and Spaulding, and the report was adopted.

(Rep. Chambers in the Chair)

#### COMMITTEE OF CONFERENCE REPORTS

HB 300, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989.  
(Report printed SJ 5/19)

Reps. Scamman and Gross explained the report.

Reps. Hager, Ramsay and Kidder explained the report and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 302 NAYS 23  
YEAS 302

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Maviglio, Pearson, Randall, Lawrence Richardson, Thurston, Turner and Wixson.

CARROLL: Allard, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Clark, Cole, Jesse Davis, Delano, Doucette, Daniel Eaton, Foster, Frink, Irvin Gordon, Grodin, Hunt, Matson, Miller, Parker, Perry, Pierce, Ramsay, William Riley, Sawyer, Schwartz and David Young.

COOS: Brady, Brungot, Harold Burns, Coulombe, Frederic Foss, Guay, Horton, Kilbride, Lemire, Marsh, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bennett, Blair, Christy, Crystal, Dearborn, Densmore, Driscoll, Hammond, Wayne King, LaMott, Lougee, Ezra Mann, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Alukonis, Barbara Arnold, Baker, Baldizar, Bass, Lionel Boucher, Bourque, Champagne, Chretien, Cowenhoven, Cox, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, Domaingue, Donovan, Drolet, Dube, Ducharme, Dupont, Dwyer, Dykstra, Clyde Eaton, Joseph M. Eaton, Fields, Nancy Ford, Frank, Ruth Gage, Genest, Grip, Guilbert, Betty Hall, Healy, Holden, Humphrey, Chris Jacobson, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Korcoulis, Leclerc, Lefebvre, Levesque, Long, Lown, Magee, Mason, Bonnie McCann, McGlynn, Messier, Moore, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Paquette, Pariseau, Perham, Pignatelli, Prestipino, Price, Reidy, Herbert Richardson, Ellen-Ann Robinson, Rodgers, Routhier, Sallada, Shriver, Leonard Smith, Soucy, Steiner, Stiles, Stonner, Sullivan, Turgeon, Wagner, Ware, Watson, Kenneth Wheeler, Winn, Zajdel and Zis.

MERRIMACK: Bardsley, Beaton, Laurent Boucher, James Chandler, Fillion, Fraser, Gross, Hager, Douglas Hall, Hayes, Hess, C. William Johnson, Kidder, Burton Knight, Lockwood, Merton Mann, Millard, Pantzer, Phelps, Philbrick, Provencal, Rehlander, Walter Robinson, Stio, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Barnes, Blaisdell, Blanchard, William Boucher, Butler, Conroy, Cressy, Cushing, Drake, Ellyson, Fesh, Flanagan, Harry Flanders, John Flanders, Bert Ford, Beverly Gage, Gosselin, Elizabeth Greene, Haynes, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Roger King, Maurice MacDonald, Magoon, Malcolm, William F. McCain, McGovern, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Read, Ritzo, Rosencrantz, Sanderson, Scamman, Schmidtchen, Seward, Sherburne, Simon, Sochalski, Splaine, Tilton, Tufts, Vaughn, Warburton, Weddle, Wells, Woodward and Wright.

STRAFFORD: Appleby, Bates, Bernard, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Sandra Keans, Kincaid, Laurion, Martling, William McCann, McManus, Musler, Parks, Pelley, Proulx, Francis Robinson, Spear, Wall, Wilson and John Young.

SULLIVAN: Behrens, D'Amante, Flint, Ingram, Krueger, Lindblade, McKee, Normandin, Peyron, Rodeschin, Schotanus and Sara Townsend.

#### NAYS 23

BELKNAP: Locke.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: Michael King.

HILLSBOROUGH: Beaupre, Buckley, A. Leslie Burns, Cid, Gagnon, Granger, Kurk and Reardon.

MERRIMACK: None.

ROCKINGHAM: Blanchette, Carpenito, Lawrence A. Chase, Jr., Gourdeau, Mace, Schwaner, Sytek and Welch.

STRAFFORD: Koromilas, Lachance and Lussier.

SULLIVAN: Brodeur and Spaulding, and the report was adopted.

Rep. Thomas Gage notified the Clerk that he wished to be recorded in favor of the Committee of Conference report on HB 300.

Rep. Kidder addressed the House briefly.

#### Bill's in Trouble

I've got a letter, parson, from my son away out West.  
An' my ol' heart is heavy as an anvil in my breast,  
To think the boy whose futur' I had once so proudly planned  
Should wander from the path o' right an' come to sich an end.  
I told him when he left us only three short years ago,  
He'd find himself a-plowin' in a mighty crooked row--  
He'd miss his father's counsels an' his mother's prayers, also--  
But he said the farm was hateful an' he guessed he'd have to go.

I know thar's big temptation for a youngster in the West,  
But I believed our Billy had the courage to resist,  
An' when he left I warned him o' the ever waitin' snares,  
That lie like hidden sarpints in life's pathway everywhere.  
But Bill he promised faithful to be keeful an' allowed  
He'd build a reputation that'd make us mighty proud.  
But it seems as though my counsels sort o' faded from his mind,  
An' now the boy's in trouble of the very wurstest kind!

His letters come so seldom that I somehow sort o' knowed  
That Bill was a-trampin' on a mighty rocky road.  
But never once imagined he would bow my head in shame,  
An' in the dust 'd waller his ol' daddy's honored name.  
He writes from out in Denver an' the story's might short:  
I just can't tell his mother! it'll crush her poor ol' heart!  
An' so I reckon parson, you might break the news to her--  
Bill's in the Legislatur', but he doesn't say what fur.  
Denver Post.

Rep. Farr moved that the Poem be printed in the Journal.  
Adopted.

#### SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 440, relative to intrastate motor carriers.

HB 296, establishing a department of securities and making an appropriation therefor.

#### SUSPENSION OF RULES

Reps. Palumbo and Densmore moved that Joint Rules 20(d) and 10(c) be so far suspended as to permit consideration of the Committee of Conference reports on HB 296 and HB 440 at the present time.

Adopted by the necessary two-thirds.

## COMMITTEE OF CONFERENCE REPORTS

The Speaker called for the Special Order.

HB 296, establishing a department of securities and making an appropriation therefor. (Report printed SJ 5/19)  
Rep. Fraser explained the report and yielded to questions.  
Report adopted.

HB 440, relative to intrastate motor carriers. (Report printed SJ 5/19)  
Rep. Malcolm explained the report and yielded to questions.  
Report adopted.

## SENATE MESSAGES

## NONCONCURRENCE WITH COMMITTEE OF CONFERENCE REPORT

HB 322, relative to the AIDS virus and making an appropriation therefor.

## ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 127, relative to sunset review of the board of veterinary examiners and relative to preliminary hearings.

## SUSPENSION OF RULES

Reps. Palumbo and Matson moved that Joint Rules 20(d) and 10(c) be so far suspended as to permit consideration of the Committee of Conference report on HB 127 at the present time.  
Adopted by the necessary two-thirds.

## COMMITTEE OF CONFERENCE REPORT

HB 127, relative to sunset review of the board of veterinary examiners and relative to preliminary hearings. (Report printed SJ 5/19)  
Report adopted.

## SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the Rules be so far suspended as to permit consideration at the present time, after the deadline, on HB 729, redefining references to the United States Internal Revenue Code for purposes of the business profits tax, without referral, public hearing, committee report and the required notice in the Calendar.  
Adopted by the necessary two-thirds.

Reps. Palumbo and Chambers moved that HB 729, redefining references to the United States Internal Revenue Code for purposes of the business profits tax, be ordered to third reading.  
Adopted.

Rep. Scamman, for the entire House, offered the following:

## HOUSE RESOLUTION NO. 44

WHEREAS, nestled deep in New Hampshire's North Country  
is Bethlehem, a town with a Summer colony,  
and,



- WHEREAS, these friends and neighbors enjoy the written word,  
they formed a Poetry Council in order to be heard,  
and,  
WHEREAS, the townspeople voted their town the poetry hub to be  
inviting all and sundry to New Hampshire's beauty, naturally,  
now therefore be it,  
RESOLVED, that in this House Session so convened this day  
that Bethlehem, its people and pride, be recognized this way,  
and be it further,  
RESOLVED, that due to the Poetry Council's inspiration,  
Bethlehem will be known and acclaimed throughout the nation  
as the Poetry Capital of New Hampshire!

Adopted unanimously.

The Strafford County Delegation and the entire membership offered the following:

HOUSE RESOLUTION NO. 45

memorializing former State Representative  
Helene R. Donnelly of Dover.

WHEREAS, we have learned with great sorrow of the death of former State Representative Helene R. Donnelly who served eight terms in the New Hampshire House, and

WHEREAS, Helene R. Donnelly, in January of 1987, was honored and saluted by the New Hampshire House for her many years of distinguished civic service and hard work in the community and as a legislator, and

WHEREAS, Helene R. Donnelly will be missed and it is with deepest regret and sadness that we note her passing, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Helene R. Donnelly be recognized and publicly lauded for her many contributions to the State and the City of Dover, and be it further

Resolved, that expressions of heartfelt sympathy be extended to her family and that a suitable copy of this Resolution be prepared for presentation to her family.

Unanimously adopted by a rising vote of silent prayer.

The Merrimack Delegation offered the following:

HOUSE RESOLUTION NO. 46

memorializing former State Representative Herschel W. Cox of Merrimack.

WHEREAS, we have learned with great sorrow of the death of former State Representative Herschel W. Cox, who for the bienniums of 1965-1966 and 1967-1968 served as an honorable and esteemed member of the New Hampshire House, and

WHEREAS, as an elected public servant, Herschel W. Cox devotedly and diligently served his Hillsborough County constituents as a member of the Standing Committees on Banks, Liquor Laws, and Transportation, and

WHEREAS, having been born in Tennessee, Herschel W. Cox chose to make New Hampshire his home, living more than forty years in the Town of Merrimack, and

WHEREAS, having been blessed with an abundance of community spirit, Herschel W. Cox served the residents of Merrimack as a Selectman, and

WHEREAS, Herschel W. Cox served his country during World War II as a member of the United States Army, and



WHEREAS, following his honorable discharge, Herschel W. Cox became an active and contributing member of the Merrimack Memorial Post of the American Legion, and of the Merrimack Post of the Veterans of Foreign Wars, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened that Herschel W. Cox be accorded highest praise for his faithful service to the Town of Merrimack, the State and the Country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

#### PERSONAL PRIVILEGE

Rep. Cressy addressed the House under Personal Privilege.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to stand in recess for the purpose of Enrolled Bills Amendments and Enrolled Bills Reports, and be to meet at the call of the Chair  
Adopted.

#### LATE SESSION

Third reading and final passage

HB 729, redefining references to the United States Internal Revenue Code for purposes of the business profits tax.

#### PERSONAL PRIVILEGE

Rep. Lefebvre addressed the House under Personal Privilege.

#### SENATE MESSAGE CONCURRENCE

HB 729, redefining references to the United States Internal Revenue Code for purposes of the business profits tax.

Rep. Palumbo moved that the House stand in recess for the purpose of Enrolled Bills Amendments and Enrolled Bills Reports.  
Adopted.

The House recessed at 3:47 p.m.

#### RECESS

(Deputy Speaker Burns in the Chair)

#### ENROLLED BILLS REPORT

SB 148, relative to procedures for distribution of certain federal funds allocated to the state.

HB 19, relative to the election laws.

HB 91, establishing state liquor stores in the towns of Londonderry and Belmont and making an appropriation therefor.

HB 124, relative to sunset review of the real estate commission.

HB 126, relative to sunset review of the commission on the status of women and making certain changes relative to the commission.

HB 177, relative to sunset review of veterinary/medical/optometric education program.

HB 224, establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible.

HB 326, establishing homemaker services for certain persons and making an appropriation therefor.

HB 367, establishing a study committee to examine the cooperative extension service.

HB 420, restricting power boats on Hermit Lake in the town of Sanbornton and requiring the division of safety services to make a study and hold a hearing relative to boating on Lake Pemigewasset in the towns of New Hampton and Meredith.

HB 45, relative to maternity and infancy.

HB 103, relative to sunset review of the office of legislative services - administrative procedures division and amending the administrative procedure act.

HB 105, relative to sunset review of the secretary of state - legislative services.

HB 348, relative to the superintendent of the Anna Philbrook Center and making an appropriation therefor.

HB 357, relative to respite care in area agencies and making an appropriation therefor.

HB 435, creating a committee to study head injuries in New Hampshire and relative to health care for the indigent.

SB 40, relative to catastrophic aid.

SB 153, relative to planning for the long-range electrical energy requirements of the state.

SB 175, providing allowance increases to retired members and beneficiaries of the New Hampshire retirement system and predecessor systems.

SB 233, relative to capital budget requests for airports in the state.

HB 190, relative to district court venue in landlord and tenant actions.

HB 382, relative to boating law enforcement.

HB 608, relative to pooled risk management programs.

HB 700, permitting group II members who reach age 65 to make an election for retirement benefits.

HB 722, relative to small loans.

SB 51, relative to airboats, mufflers, and decibel levels of boats.

SB 64, legalizing all votes pertaining to bond or note issues taken at the New London - Springfield water system precinct meeting of March 18, 1986, and relative to the legalization and ratification of actions taken at certain town meetings and relative to the Winchester school district election held March 19, 1987.

SB 107, relative to the New Hampshire state airport system plan and making an appropriation therefor.

SB 6, establishing a joint study committee of the house and senate relative to additional staff and equipment for the division of air resources.

SB 62, relative to counting absentee ballots in cities and towns which use voting machines.

SB 176, changing financial disclosure requirements.

HB 136, relative to sunset review of public utilities commission - gas - pipeline carriers.

SB 161, relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor.

SB 139, relative to election law dates.

SB 174, establishing a committee to study retirement system benefits.

SB 183, relative to coverage for mental or nervous conditions.

HB 159, relative to sunset review of the board of education - driver education.

HB 201, relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property.

Raymond C. Buckley, II  
John P.H. Chandler, Jr.  
For the Committee.

#### RECESS

(Rep. Beverly Gage in the Chair)

#### ENROLLED BILLS AMENDMENTS

HB 104-FN, relative to sunset review of the office of state planning, and consolidating the functions of the office of state planning in a new RSA chapter.

##### Amendment

Amend the bill by replacing line 18 on page 14 with the following:  
in the development of local water resources management and protection plans

Amend the bill by replacing lines 13-16 on page 20 with the following:

14 Application of 1987, 76:1. 1987, 76:1, establishing a program of regional and municipal assistance within the office of state planning, shall not take effect.

15 Nuclear Waste Technical Review Council. RSA 125-G:6, II is

Amend the bill by replacing lines 22 and 23 on page 20 with the following:

1. Section 9 of this act shall take effect July 1, 1987.
- II. The remainder of the act shall take effect upon its passage.

Adopted.

HB 143, relative to sunset review of the department of fish and game - law enforcement.

##### Amendment

Amend the bill by replacing line 10 on page 2 with the following:  
of facilities and personnel within the department. The committee shall

This enrolled amendment corrects a typographical error in the bill.

Adopted.

HB 693-FN, relative to determining membership in the New Hampshire retirement system.

##### Amendment

Amend the bill by replacing line 8 on page 2 with the following:

by a county correctional facility, who as a job requirement have satisfied

This amendment corrects a grammatical error.

Adopted.

HB 370-FN-A, relative to employment opportunity.

Amendment

Amend the bill by replacing line 5 on page 2 with the following:

3 Standard of Need; To Consist of 2 Components. Amend RSA

This amendment corrects an inaccurate section heading.

Adopted.

HB 345-FN-A, relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor.

Amendment

Amend the bill by replacing line 14 on page 1 with the following:

the following new section:

Amend the bill by replacing line 16 on page 1 with the following:

pursuant to RSA 491-A:4, IV shall not be permitted to engage in the

Amend the bill by replacing line 3 on page 2 with the following:

court. Full-time judges designated pursuant to RSA 491-A:4, IV shall

Amend the bill by replacing lines 7 and 8 on page 2 with the following:

after section 3 the following new section:

491-A:4 Probate Judges; Salaries.

Amend the bill by replacing line 3 on page 4 with the following:

547:22-a Transitional Adjustment. Notwithstanding RSA 491-A:4, judges

Amend the bill by replacing line 9 on page 4 with the following:

of the weighted caseload compensation schedule set forth in RSA 491-A:4,

Amend the bill by replacing line 13 on page 4 with the following:

pursuant to RSA 491-A:4.

Amend the bill by replacing line 21 on page 4 with the following:

said attorney is stockholder. Full-time probate judges under RSA 547:2-a

Amend the bill by replacing line 4 on page 5 with the following:

entered] shall have the power to make any decree or order which could have been

Amend the bill by replacing line 20 on page 5 with the following:

county, who shall act during such absence or inability. Such judge who is

Amend the bill by replacing line 1 on page 7 with the following:

be included by the administrative office of the courts in its request for

Amend the bill by replacing section 16 with the following:

16 Contingent Provision. If HB 651, an act relative to compensation of district court justices and special justices, of the 1987 regular session of the general court does not become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections, RSA sections, or references to RSA sections inserted by this act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1987 session laws.

17 Effective Date. This act shall take effect upon its passage.

This amendment rennumbers an RSA section which would duplicate the number of an RSA section which would be inserted, if HB 651 of the 1987 regular session becomes law. The amendment also corrects a citation and typographical errors.

Adopted.

HB 562-FN, relative to fireworks.

#### Amendment

Amend the bill by replacing line 6 on page 4 with the following:

sale, possession, use, and distribution of fireworks for such display

Amend RSA 160-A as inserted by section 4 of the bill by inserting after section 5 the following new section:

160-A:6 Exceptions and Exemptions Not Required to be Negated. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter, it shall not be necessary to negate any exception, excuse, proviso, or exemption contained herein, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

This amendment corrects a grammatical error and inserts an RSA provision into RSA 160-A. The provision was inserted by HB 454, An Act relative to proof of exceptions, in RSA 160 which is repealed by this bill.

Adopted.

HB 321-FN-A, creating the Connecticut River Valley resource commission and making an appropriation therefor.

#### Amendment

Amend the bill by replacing lines 14 and 15 on page 5 with the following:

criteria adopted under RSA 227-E:8, I.

227-E:7 Private Donations. In addition to the authority granted in

Amend the bill by replacing line 18 on page 5 with the following:

227-E:8 Rulemaking. The commission shall adopt rules, after public

Amend the bill by replacing line 4 on page 6 with the following:

227-E:9 Reports; Committee Recommendations.

Amend the bill by replacing line 14 on page 6 with the following:

227-E:10 Staff. There shall be the equivalent of one full-time staff

This amendment renumbers statutory section in sections 1 of the bill.

Adopted.

HB 156-FN, relative to sunset review of the nurses registration board.

#### Amendment

Amend the bill by replacing line 3 on page 1 with the following:

public health services, department of health and human services. The agency or

Amend the bill by replacing line 7 on page 3 with the following:

RSA 326-B and are not in conflict with other statutes, pursuant to RSA

Amend the bill by replacing line 11 on page 5 with the following:

year 1980, and received a minimum passing score of 400.

This amendment corrects a reference to the division of public health services in section 1 of the bill, corrects a grammatical error in RSA 326-B:4-a as inserted by section 4 of the bill, and corrects a typographical error in section 9 of the bill.

Adopted.

HB 144-FN, relative to sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles.

#### Amendment

Amend sections 14 and 15 of the bill by replacing them with the following:

14 Repeal. The following are repealed:

I. RSA 188-F:23, I-a, relative to membership of certain bureau of off-highway recreational vehicles employees in group II of the retirement system.

II. RSA 188-F:27, VIII, relative to training requirements of bureau of off-highway recreational vehicles officers serving as forest and park patrol officers.

III. RSA 100-A:1, VII-d, relative to membership of certain bureau of off-highway recreational vehicles employees in group II of the retirement system.



## 15 Effective Date.

I. Section 7 of this act shall take effect July 12, 1987, at 12:01 a.m.

II. Sections 13 and 14 of this act shall take effect July 1, 1989.

III. The remainder of this act shall take effect upon its passage.

This amendment corrects several technical errors, and changes the effective date of a section to take effect after the amendment enacted by HB 600, An Act relative to OHRV fees.

Adopted.

HB 152-FN, relative to sunset review of the board of education - administration and support, establishing a program for administrator excellence, and relative to catastrophic aid.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to sunset review of the board of education - administration and support, establishing a program for administrator excellence, relative to catastrophic aid and making a supplemental appropriation for financial aids to districts-state.

Amend the bill by replacing line 19 on page 5 with the following:

are not used for such emergency assistance purposes, the funds shall be used

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect upon its passage.

This amendment corrects the title of the bill, and also corrects 2 typographical errors in the bill.

Adopted.

HB 168-FN, relative to sunset review of joint board of engineers, architects and land surveyors, and relative to exemption from regulation of the design, construction and alteration of certain small structures.

## Amendment

Amend the bill by replacing line 6 on page 1 with the following:

II and III to read as follows:

This amendment corrects the amending language in section 2 of the bill.

Adopted.

HB 167-FN, relative to sunset review of the department of postsecondary vocational-technical education.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to sunset review of the department of postsecondary  
vocational-technical education and relative to  
election in the town of Winchester.

Amend the bill by replacing line 5 on page 2 with the following:

senate education committee, the speaker of the house, the president of the

This amendment corrects the title of the bill to reflect the committee  
of conference report. The bill also corrects a typographical error in  
section 3 of the bill.

Adopted.

HB 171-FN, relative to sunset review of the New England interstate  
water pollution control commission.

## Amendment

Amend the bill by replacing section 4 with the following:

## 4 Effective Date.

I. Sections 1 and 2 of this act shall take effect upon its  
passage.

II. Section 3 of this act shall take effect 60 days after its  
passage.

This enrolled bill amendment reinserts the original effective date for  
sections 1 and 2 of the bill, the sunset provisions.

Adopted.

HB 465, relative to the protection of employees who report violations  
of law or refuse to execute illegal directives.

## Amendment

Amend the bill by replacing line 8 on page 1 with the following:

profit, to engage in any employment. Employee does not include an

This amendment corrects a typographical error.

Adopted.

HB 479, relative to a foster parents ombudsman council.

## Amendment

Amend the bill by replacing the title with the following:

## AN ACT

relative to a foster parents ombudsman council and  
relative to condominium conversions.

This amendment corrects the title of the bill.

Adopted.

HB 586-FN, relative to mooring of boatings on certain lakes in New Hampshire.

Amendment

Amend the bill by replacing line 17 on page 9 with the following:  
the criteria established pursuant to RSA 270:71; and

Amend the bill by replacing line 23 on page 9 with the following:  
this section.

Amend the bill by replacing lines 17-18 on page 13 with the following:

I. RSA 270:59-60; 270:64; 270:66, I(b), (d), and (f), II, III,  
and IV; 270:67, I(a) and II(a); 270:69; 270:71; and 270:72, I as

Amend the bill by replacing line 22 on page 13 with the following:

270:67, I(b), (c), and (d); II(b), (c) and (d); 270:68; 270:70; and

This EBA corrects 2 incorrect cross-references and technical errors in  
the effective date section of the bill.

Adopted.

SB 1-A, establishing the New Hampshire land conservation investment  
program and making an appropriation therefor.

Amendment

Amend the bill by replacing line 1 on page 4 with the following:

IV. Six voting members shall constitute a quorum. Decision shall

Amend the bill by replacing line 7 on page 4 with the following:

V. Board members shall not be subject to civil liability for acts

This EBA rennumbers certain paragraphs of a section to place them in  
correct numerical order.

Adopted.

SB 10-A, permitting state participation in a Clean Water Act State  
Revolving Loan Fund.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

permitting state participation in a Clean Water Act state revolving  
loan fund and making an appropriation therefor and making an  
appropriation to the Conway village fire district  
for its sewage treatment system.

This enrolled amendment corrects the title of the bill.

Adopted.

SB 12, relative to the operation of motors on Clarksville Pond in the town of Clarksville, the posting of Clarksville Pond, and the reinstatement of the propagation license issued to the Balsams Corporation for Lake Gloriette.

Amendment

Amend the bill by replacing lines 2-3 on page 1 with the following:

section 31 the following new section:

486:32 Clarksville Pond. No person shall operate any boat equipped  
Amend the bill by replacing section 4 with the following:

4 Contingency; Renumbering. If either HB 306, "An Act limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River pond in the town of Wakefield" or HB 420, "An Act restricting power boats on Hermit Lake in the town of Sanborton and requiring the division of safety services to make a study and hold a hearing relative to boating on Lake Pemigewasset in the towns of New Hampton and Merideth," or both, do not become law, RSA 486:32 as inserted by section 1 of this act shall be renumbered to read as RSA 486:29 or 486:31, as the case may be. If any other act of the 1987 regular session of the general court containing amendments to RSA 486 which insert any new sections into the chapter become law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by such act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives.

5 Effective Date. This act shall take effect upon its passage.

This amendment renumbers an RSA section to avoid duplicating the numbering of other new RSA sections already inserted by HB 306 and HB 420. The amendment also inserts a contingency authorizing the director of legislative services to make technical numbering corrections as necessary, depending on which bills inserting new sections into RSA 486 become law.

Adopted.

SB 27-FN, relative to the commemorative rifle or shotgun lottery and the penalty for throwing refuse in and around public waters.

Amendment

Amend the bill by replacing line 19 on page 3 with the following:

by the committee to manufacture the rifle or shotgun shall enter into a

This EBA corrects a typographical error.

Adopted.

SB 70, amending article 8 of the uniform commercial code.

## Amendment

Amend line 23 on page 7 of the bill by replacing it with the following:

registered, even if the security is subject to a registered pledge. The rights of a registered pledgee of an uncertificated

Amend line 4 on page 17 of the bill by replacing it with the following:

of his time in the business of buying and selling securities, who in the

Amend line 5 on page 30 of the bill by replacing it with the following:

so held except in the circumstances specified in paragraphs (c), (d)(1),

This amendment inserts an omitted line of text and corrects several typographical errors.

Adopted.

SB 76, relative to records management and archives.

## Amendment

Amend the bill by replacing line 14 on page 3 with the following:

II. Make continuing surveys of paperwork operations and recommend

Amend the bill by replacing line 24 on page 3 with the following:

V. Require such reports from agencies as are required for the

Amend the bill by replacing lines 23 and 24 on page 8 with the following:

the state and in compliance with the National Historical Publications and Records Commission. The board may:

Amend the bill by replacing lines 7 and 8 on page 9 with the following:

projects in the state, financed by the National Historical Publications and Records Commission, through the board.

This amendment corrects a typographical error, a grammatical error, and 2 reference errors.

Adopted.

SB 106, relative to the department of safety.

## Amendment

Amend the bill by replacing lines 3-5 on page 1 with the following:

(a) Power to serve criminal and habitual offender process, make arrests, and enforce all criminal laws and motor vehicle laws and rules of the state.

Amend the bill by deleting section 7 and renumbering section 8 to read as 7.

This enrolled amendment corrects a technical error in section 1 of the bill and deletes a contingency section made unnecessary by the enactment of HB 526.

Adopted.

SB 125-FN, to appropriate funds for ocean disposal of Rye Harbor dredge material.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

increasing an appropriation for coastal projects.

Amend the bill by replacing line 21 on page 2 with the following:

3 Bonding Authorization Changed. Amend 1985, 409:11, I as amended by

This bill makes a correction in the title of the bill, and corrects the reference to a session law section number.

Adopted.

SB 178-FN, permitting certain non-governmental entities to be eligible to participate in the New Hampshire retirement system.

Amendment

Amend the bill by replacing line 7 on page 3 with the following:

any such officer, teacher, or employee who elects to join the New

This amendment makes a grammatical correction in section 2 of the bill.

Adopted.

SB 180-FN-A, relative to restoring the original state house and making an appropriation therefor and relative to the legislative office building and making an appropriation therefor.

Amendment

Amend lines 14 and 15 on page 3 of the bill by replacing them with the following:

specifications and drawings;

(d) A management plan; and

This amendment corrects a punctuation error in the bill.

Adopted.

SB 231-FN, relative to manufactured housing zoning.

Amendment

Amend the bill by replacing line 2 on page 1 with the following:



674:32 [Exclusion of] Manufactured Housing. Municipalities shall afford reasonable

Amend the bill by replacing lines 9-10 on page 3 with the following:

- I. Section 2 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect July 1, 1988.

This amendment adds wording to reflect the former state of the statute amended in section 1 of the bill. It also corrects the wording of the bill's effective date.

Adopted.

RECESS

(Rep. Hager in the Chair)

#### ENROLLED BILLS AMENDMENTS

HB 133-FN, relative to sunset review of state liquor commission-merchandising and relative to the state liquor commission.

##### Amendment

Amend the bill by replacing line 8 on page 22 with the following:

III. 1983, 388:8, I as amended by 1985, 67:2 relative to licenses to

This amendment corrects a reference in the bill.

Adopted.

HB 142-FN, relative to sunset review of the fish and game department - administration and support and the fish and game department - law enforcement.

##### Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
relative to sunset review of the fish and game  
department - administration and support.

Amend the bill by replacing line 4 on page 2 with the following:

I. The executive director of the fish and game department shall, not later than

This amendment corrects the title of the bill and corrects a typographical error.

Adopted.

HB 228, legalizing certain town and district meetings and relative to an increase in the salaries of the Conway police commissioners.

##### Amendment

Amend the bill by replacing line 13 on page 2 with the following:

7 Town of Rollinsford. All votes, proceedings, and actions of the

Amend the bill by replacing line 16 on page 2 with the following:

8 Effective Date. This act shall take effect upon its passage.

This bill rennumbers 2 sections of the bill so that the numbering of the sections is in consecutive order.

Adopted.

HB 294-FN-A, exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

requiring a manufactured housing park owner to give notice to a tenants' association before selling the park.

Amend the bill by replacing line 10 on page 2 with the following:

requested, to each tenant at his abode. A receipt from the United States

This amendment corrects the title of the bill and corrects a grammatical error in section 2 of the bill.

Adopted.

SB 130-FN-A, relative to the trust fund for the prevention of child abuse and neglect, and making an appropriation therefor.

Amendment

Amend the bill by replacing line 14 on page 2 with the following:

child abuse trust fund board for programs as defined in RSA 169-C:39-b, V,

Amend the bill by replacing line 14 on page 5 with the following:

biennium ending June 30, 1989, to the board established in RSA 169-C:39-d,

This amendment corrects citations in sections 4 and 11 of the bill.

Adopted.

SB 83, relative to distributing political campaign literature at polling places on election day.

Amendment

Amend the bill by replacing line 13 on page 1 with the following:

extending a distance from the entrance door of the building as determined

This Enrolled amendment corrects a typographical error.

Adopted.

RECESS

(Rep. Maurice MacDonald in the Chair)

ENROLLED BILLS AMENDMENTS

HB 200-A, making appropriations for capital improvements.

Amendment

Amend the bill by replacing line 19 on page 14 with the following:

1985, 390:3 and 1987, 131:3 to read as follows:

Amend the bill by replacing line 23 on page 14 with the following:

state not exceeding the sum of [\$22,577,345] \$24,577,345 and for said

Amend the bill by replacing lines 11-18 on page 18 with the following:

25 Federal Groundwater Mapping Program. 1985, 77:1 is repealed and reenacted to read as follows:

77:1 Appropriation; Special Account. The sum of \$2,500,000 is hereby appropriated to the division of water resources, department of environmental services, for participation in the federal groundwater mapping program. This appropriation shall not lapse until June 30, 1996.

Amend the bill by replacing line 26 on page 24 with the following:

state funds in the appropriation made by 1983, 423:1, VIII as amended by

Amend the bill by replacing lines 7 and 8 on page 25 with the following:

I. 1969, 505:1, III(f) and 1972, 62:5 as amended by 1985, 400:5, III(a), Manchester airport-land acquisition and obstruction removal.

Amend the bill by replacing section 49 with the following:

49 Contingency. If SB 125-FN, An Act increasing an appropriation for coastal projects, becomes law, sections 20 and 32 of this act shall not take effect and 1985, 409:11, I as amended by 1986, 209:9; 1986, 211:13; 1986, 211:27; and SB 125-FN shall read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$22,936,620] \$23,806,620 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

This amendment corrects several technical errors in the bill, adjusts certain bonding totals already amended by HB 79, and contingently adjusts totals amended by SB 125.

Adopted.

HB 296-FN-A, establishing a department of securities and making an appropriation therefor.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT  
establishing an office of securities regulation and making an  
appropriation therefor, relative to takeover bids and target  
companies, and increasing the securities  
registration fee.

Amend the bill by replacing line 22 on page 7 with the following:

office of securities regulation the office of investigations, under the  
supervision of an unclassified

Amend the bill by replacing line 19 on page 9 with the following:

or employ and prescribe the duties of such systems managers,

Amend the bill by replacing line 2 on page 15 with the following:

(a) If required by any provision of this subdivision or  
title

Amend the bill by replacing line 4 on page 18 with the following:

if a record of the proceedings is available, a transcript shall be made,  
and

Amend the bill by replacing line 8 on page 18 with the following:

any party to a hearing held pursuant to title XXXVIII or this subdivision  
from

Amend the bill by replacing line 4 on page 27 with the following:

that the foregoing provisions of this section shall be inapplicable in

This enrolled bill amendment corrects the title of the bill, corrects  
typographical errors and makes technical corrections of RSA terminology.

Adopted.

HB 729, redefining references to the United State Internal Revenue  
Code for purposes of the business profits tax.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

redefining references to the United States Internal Revenue Code  
for purposes of the business profits tax and temporarily  
continuing 2 unclassified positions.

This enrolled bill amendment corrects the title of the bill.

Adopted.

RECESS

(Rep. Beverly Gage in the Chair)

#### ENROLLED BILLS AMENDMENTS

HB 300-A, making appropriations for the expenses of certain  
departments of the state for fiscal years ending June 30, 1988, and June  
30, 1989.

AMENDMENTS TO HJ0100	PAGE     2718    05/18/87	----- FISCAL YEAR 1988 -----	FISCAL YEAR 1989 -----
<p>AMEND SECTION 1 OF THE BILL BY MAKING THE FOLLOWING SPECIFIED CHANGES, AND BY CHANGING SUBTOTALS AND TOTALS AS HEREINAFTER SPECIFIED TO REFLECT THE SPECIFIED CHANGES.</p>			
C1 GENERAL GOVERNMENT			
04 DEPARTMENT OF ADMINISTRATIVE SERVICES			
01 OFFICE OF THE COMMISSIONER			
03 FINANCIAL DATA MANAGEMENT			
STRIKE 02T			
% INTEGRATED FINANCIAL SYSTEM *	500,000	419,000	
INSERT IN PLACE THEREOF			
% INTEGRATED FINANCIAL SYSTEM *	500,000	419,000	
STRIKE 02T			
*			
TOTAL	1357,010		1571,591
TOTAL		6495,949	6574,330
ESTIMATED SOURCE OF FUNDS FOR			
OFFICE OF THE COMMISSIONER			
GENERAL FUNDS		6495,949	6574,330
TOTAL		6495,949	6574,330
01 GENERAL GOVERNMENT			
04 DEPARTMENT OF ADMINISTRATIVE SERVICES			
03 DIVISION OF INFORMATION SERVICES			
01 DIS ADMINISTRATION & SUPPORT			
STRIKE 02T			
% OTHER AGENCY COMPUTER SYSTEMS *	210,000	100,000	
INSERT IN PLACE THEREOF			
% OTHER AGENCY COMPUTER SYSTEMS *	210,000	100,000	
STRIKE 02T			
*			
TOTAL	2088,035		2035,645
TOTAL		6124,927	6273,541

AMENDMENTS TO                      PAGE            2719    05/18/87                      ----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

C1 GENERAL GOVERNMENT (CONT.)  
04 DEPARTMENT OF ADMINISTRATIVE SERVICES (CONT.)  
03 DIVISION OF INFORMATION SERVICES (CONT.)

ESTIMATED SOURCE OF FUNDS FOR	
DIVISION OF INFORMATION SERVICES	
GENERAL FUNDS	2683,629
OTHER FUNDS	3441,298
TOTAL	6124,927
	3004,169
	3269,372
	6273,541

C1 GENERAL GOVERNMENT  
04 DEPARTMENT OF ADMINISTRATIVE SERVICES  
03 DIVISION OF PLANT & PROPERTY  
02 BUREAU OF PURCHASE & PROPERTY  
03 SURPLUS FOOD

STRIKE OUT AFTER SOURCE OF FUNDS

WITH THE APPROVAL OF THE GOVERNOR AND COUNCIL,  
THE SUPERVISOR OF THE SURPLUS DISTRIBUTION  
SECTION IS AUTHORIZED TO TRANSFER PERSONNEL,  
APPROPRIATIONS OR PORTIONS THEREOF, AS WELL AS  
EQUIPMENT, BETWEEN SUBDIVISIONS OF THE AGENCY.  
SUCH TRANSFERS SHALL NOT PLACE AN UNWARRANTED  
BURDEN UPON THE FUND BALANCE OF EITHER SURPLUS  
FOOD OR SURPLUS PROPERTY. AUTHORITY IS HEREBY  
GIVEN TO UTILIZE SO MUCH AS MAY BE NECESSARY  
OF THE BALANCE ACCUMULATED AT THE END OF ANY  
FISCAL YEAR DURING THE FISCAL YEAR  
WITHIN THIS SUBDIVISION WITH THE APPROVAL OF THE  
FISCAL COMMITTEE AND THE GOVERNOR AND COUNCIL  
SPECIFICALLY OPERATING THIS DIVISION WITHOUT  
THE USE OF ANY OTHER STATE FUNDS.

INSERT IN PLACE THEREOF

WITH THE APPROVAL OF THE GOVERNOR AND COUNCIL,  
THE SUPERVISOR OF THE SURPLUS DISTRIBUTION  
SECTION IS AUTHORIZED TO TRANSFER PERSONNEL,



AMENDMENTS TO PAGE 2720 05/18/87 ----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

C1 GENERAL GOVERNMENT (CONT.)  
 04 DEPARTMENT OF ADMINISTRATIVE SERVICES (CONT.)  
 05 DIVISION OF PLANT & PROPERTY (CONT.)  
 02 BUREAU OF PURCHASE & PROPERTY (CONT.)  
 C3 SURPLUS FOOD

APPROPRIATIONS OR PORTIONS THEREOF, AS WELL AS EQUIPMENT, BETWEEN SUBDIVISIONS OF THE AGENCY. SUCH TRANSFERS SHALL NOT PLACE AN UNWARRANTED DEMAND UPON THE FUND BALANCE OF EITHER SURPLUS FOOD OR SURPLUS PROPERTY. AUTHORITY IS HEREBY GIVEN TO UTILIZE SO MUCH AS MAY BE NECESSARY OF THE BALANCE ACCUMULATED AT JUNE 30, OR ANY SURPLUS ACCUMULATING DURING THE FISCAL YEAR WITHIN THIS SUBDIVISION, WITH APPROVAL OF THE FISCAL COMMITTEE AND THE GOVERNOR AND COUNCIL, TO EFFICIENTLY OPERATE THIS DIVISION WITHOUT THE USE OF ANY OTHER STATE FUNDS.

TOTAL	22042,543	22656,353
ESTIMATED SOURCE OF FUNDS FOR		
DEPARTMENT OF ADMINISTRATIVE SERVICES		
FEDERAL FUNDS	165,208	165,208
GENERAL FUNDS	141,446,502	14803,725
OTHER FUNDS	77,327,538	7687,420
TOTAL	22042,543	22656,353

C1 GENERAL GOVERNMENT  
 05 SECRETARY OF STATE  
 06 AUCTIONEERS BOARD

STRIKE JJT AFTER SOURCE OF FUNDS

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
 ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
 ALREADY ESTABLISHED FEES FOR EXAMINATION  
 APPLICANTS, APPLICANTS FOR A LICENSE OR  
 REGISTRATION, A PUBLICATION WHICH THEY SELL, OR  
 ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-

AMENDMENTS TO PAGE 2721 05/18/87  
H90500

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

C1 GENERAL GOVERNMENT  
C5 SECRETARY OF STATE  
C6 AUCTIONEERS BOARD

(CONT.)  
(CONT.)  
(CONT.)

ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH PROGRAMS. SUCH FEES SHALL RECOVER, ON AN ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE BOARD OR COMMISSION RELATING TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

INSERT IN PLACE THEREOF

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS- ALL BOARDS AND COMMISSIONS WHICH HAVE NOT ALREADY ESTABLISHED FEES FOR EXAMINATION APPLICANTS, APPLICANTS FOR A LICENSE OR REGISTRATION, A PUBLICATION WHICH THEY SELL, OR ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFICALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH PROGRAMS. SUCH FEES SHALL RECOVER, ON AN ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE BOARD OR COMMISSION RELATING TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.



AMENDMENTS TO HOUSE JOURNAL PAGE 2723 05/18/87

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
01 JUDICIAL BRANCH (CONT.)  
07 BAR EXAMINERS (CONT.)

DIRECT COST OF THE PROGRAM, WHICHEVER IS GREATER, FEES ESTABLISHED FOR EXAMINATIONS MAY BE EXPENDED FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

INSERT IN PLACE THEREOF

THE SUPREME COURT SHALL ESTABLISH FEES TO RECOVER, ON AN ANNUAL OR BIENNIAL BASIS, THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE PROGRAM, WHICHEVER IS GREATER. FEES ESTABLISHED FOR EXAMINATIONS MAY BE EXPENDED FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
JUDICIAL BRANCH  
GENERAL FUNDS  
OTHER FUNDS  
TOTAL

26,35,822

27524,644

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
03 AGRICULTURE  
03 VETERINARY EXAMINERS BOARD

24,350,940  
2104,882  
26,35,822

25419,762  
2104,882  
27524,644

STRIKE OUT AFTER SOURCE OF FUNDS

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
03 AGRICULTURE (CONT.)  
08 VETERINARY EXAMINERS BOARD (CONT.)

ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
ALREADY ESTABLISHED FEES FOR EXAMINATION  
OF APPLICANTS, APPLICANTS FOR A LICENSE OR  
REGISTRATION, A PUBLICATION WHICH THEY SELL, OR  
ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT  
RULES UNDER RSA 541 RELATIVE TO FEES FOR SUCH  
PROGRAMS. SUCH FEES SHALL RECOVER, ON AN  
ANNUAL OR BIENNIAL BASIS, THE FULL COST OF THE  
PROGRAM INCLUDING THE COST OF SUPPORT AND  
ADMINISTRATIVE SERVICES PROVIDED BY OTHER  
AGENCIES, OR 12% OF THE DIRECT COST OF THE  
BOARD OR COMMISSION RELATING TO THE PROGRAM,  
WHICHEVER IS GREATER. A BOARD OR COMMISSION  
WHICH ESTABLISHES FEES FOR EXAMINATION  
OF APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINA-  
TIONS, RELATED SERVICES, OR SUPPLIES, AS  
NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF  
THE EXAMINATION.

INSERT IF PLACE THEREOF

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
ALREADY ESTABLISHED FEES FOR EXAMINATION  
OF APPLICANTS, APPLICANTS FOR A LICENSE OR  
REGISTRATION, A PUBLICATION WHICH THEY SELL, OR  
ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT  
RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH  
PROGRAMS. SUCH FEES SHALL RECOVER, ON AN  
ANNUAL OR BIENNIAL BASIS, THE FULL COST OF THE  
PROGRAM INCLUDING THE COST OF SUPPORT AND  
ADMINISTRATIVE SERVICES PROVIDED BY OTHER  
AGENCIES, OR 12% OF THE DIRECT COST OF THE  
BOARD OR COMMISSION RELATING TO THE PROGRAM,  
WHICHEVER IS GREATER. A BOARD OR COMMISSION

AMENDMENTS TO HB0300	PAGE	2725	05/18/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
C2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
03 AGRICULTURE (CONT.)					
04 VETERINARY EXAMINERS BOARD (CONT.)					
<p>WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.</p>					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
04 ATTORNEY GENERAL					
05 DIVISION OF LEGAL COUNSEL					
01 CIVIL LAW					
ESTIMATED SOURCE OF FUNDS FOR					
CIVIL LAW					
STRIKE OUT					
01 INCOME ADDED TO INCOME					
INSERT IN PLACE THEREOF					
01 TRANSFER FROM OTHER AGENCIES					
TOTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF LEGAL COUNSEL					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
ATTORNEY GENERAL					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
06 REGULATORY BOARDS AND COMMISSIONS					
07 COM. STATUS OF WOMEN					

50,544

50,548

1057,383

1509,471

934,782

574,489

1509,471

4575,225

241,392

3514,483

819,350

4575,225

1430,702

885,401

545,301

1430,702

4211,950

233,431

3195,041

783,478

4211,950

49,576

49,576

1003,793



AMENDMENTS TO HB0300 PAGE 2726 05/18/87 FISCAL YEAR 1988 FISCAL YEAR 1989

C2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 06 REGULATORY BOARDS AND COMMISSIONS (CONT.)  
 07 COM4 STATUS OF WOMEN (CONT.)

STRIKE OUT AFTER SOURCE OF FUNDS

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
 ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
 ALREADY ESTABLISHED FEES FOR EXAMINATION  
 REGISTRATION, PUBLICATION FOR A LICENSE OR  
 ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
 ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT  
 RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH  
 PROGRAMS. SUCH FEES SHALL RECOVER, ON AN  
 ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE  
 PROGRAM INCLUDING THE COST OF SUPPORT AND  
 ADMINISTRATIVE SERVICES PROVIDED BY OTHER  
 AGENCIES, OR 125% OF THE DIRECT COST OF THE  
 BOARD OR COMMISSION RELATING TO THE PROGRAM,  
 WHICHEVER IS GREATER. A BOARD OR COMMISSION  
 WHICH ESTABLISHES FEES FOR EXAMINATION  
 APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINA-  
 TIONS, RELATED SERVICES, OR SUPPLIES, AS  
 NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF  
 THE EXAMINATION.

INSERT IN PLACE THEREOF

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
 ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
 ALREADY ESTABLISHED FEES FOR EXAMINATION  
 REGISTRATION, PUBLICATION FOR A LICENSE OR  
 ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
 ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT  
 RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH  
 PROGRAMS. SUCH FEES SHALL RECOVER, ON AN  
 ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE

AMENDMENTS TO  
HRS000 PAGE 2727 05/18/87

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

C2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
C6 REGULATORY BOARDS AND COMMISSIONS (CONT.)  
C9 COM STATUS OF WOMEN (CONT.)

PROGRAM INCLUDING THE COST OF SUPPORT AND  
ADMINISTRATIVE SERVICES PROVIDED BY OTHER  
AGENCIES, OR 12% OF THE DIRECT COST OF THE  
BOARD OR COMMISSION RELATING TO THE PROGRAM,  
WHICHEVER IS GREATER. A BOARD OR COMMISSION  
APPLICABLES FEES FOR EXAMINATION  
APPLICANTS MAY EXCEED SUCH FUNDS FOR EXAMINA-  
TION, RELATED SERVICES, OR SUPPLIES, AS  
NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF  
THE EXAMINATION.

C2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
C6 PART-MUTUEL COMMISSION  
C7 PART-MUTUEL COMMISSION

STRIKE OUT

SUCH PORTION OF THIS AMOUNT THAT CONSTITUTES  
THE COMPENSATION OF THE OFFICIAL STATE STEWARD  
OR ASSOCIATE JUDGES OF THE PART-MUTUEL COMMISS-  
ION, SHALL BE REIMBURSED TO THE STATE BY THE  
PERSON, ASSOCIATION, OR CORPORATION CONDUCTING  
THE RACE OR MEET AND SUCH REIMBURSEMENT SHALL  
INCLUDE THE EMPLOYER'S SHARE OF OASI TAXES.  
SUCH FUNDS SHALL BE DEPOSITED AS UNRESTRICTED  
REVENUE. THE COMMISSION MAY ESTABLISH THE  
SALARIES OF THE STATE STEWARD AND ASSOCIATE  
JUDGES, AND ANY ADDITIONAL AMOUNTS PAID FOR  
THIS PURPOSE OVER THE SUM APPROPRIATED FOR THIS  
IN "OTHER PERSONNEL SERVICES" SHALL BE REIM-  
BURSED TO THE STATE BY THE TRACK, INCLUDING  
OASI, AND THE FUNDS REIMBURSED SHALL BE CREDIT-  
ED TO THE APPROPRIATION FOR "OTHER PERSONNEL  
SERVICES".

AMENDMENTS TO HB0300 PAGE 2728 05/18/87

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

C2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 C8 PARI-MUTUEL COMMISSION (CONT.)  
 01 PARI-MUTUEL COMMISSION (CONT.)

INSERT 14 PLACE THEREOF

SUCH PORTION OF THIS AMOUNT THAT CONSTITUTES THE COMPENSATION OF THE OFFICIAL STATE STEWARD OR ASSOCIATE JUDGES OF THE PARI-MUTUEL COMMISSION, SHALL BE REIMBURSED TO THE STATE BY THE PERSON, ASSOCIATION, OR CORPORATION CONDUCTING THE RACE OR MEET AND SUCH REIMBURSEMENT SHALL INCLUDE THE EMPLOYER'S SHARE OF OASI TAXES. SUCH FUNDS SHALL BE DEPOSITED AS UNRESTRICTED REVENUE. THE COMMISSION MAY ESTABLISH THE SALARIES OF THE STATE STEWARD AND ASSOCIATE JUDGES, AND ANY ADDITIONAL AMOUNTS PAID FOR THIS PURPOSE OVER THE SUM APPROPRIATED FOR THIS IN "OTHER PERSONAL SERVICES" SHALL BE REIMBURSED TO THE STATE BY THE TRACK, INCLUDING JASI, AND THE FUNDS REIMBURSED SHALL BE CREDITED TO THE APPROPRIATION FOR "OTHER PERSONAL SERVICES".

STRIKE JJT

SUCH PORTION OF THIS AMOUNT THAT CONSTITUTES THE COMPENSATION OF THE COMMISSION VETERINARIAN OF THE PARI-MUTUEL COMMISSION SHALL BE REIMBURSED TO THE STATE BY THE PERSON, ASSOCIATION, OR CORPORATION CONDUCTING THE RACE OR MEET AND SUCH REIMBURSEMENT SHALL INCLUDE THE EMPLOYER'S SHARE OF OASI TAXES. SUCH FUNDS SHALL BE DEPOSITED AS UNRESTRICTED REVENUE. THE GOVERNOR AND COUNCIL SHALL ESTABLISH THE SALARIES OF THE COMMISSION VETERINARIANS AND ANY ADDITIONAL AMOUNTS PAID FOR THIS PURPOSE OVER THE SUMS APPROPRIATED FOR THIS IN "OTHER PERSONNEL SERVICES" SHALL BE REIMBURSED TO THE STATE BY THE TRACK, INCLUDING OASI, AND

AMENDMENTS TO PAGE 2729 05/18/87  
HJ0500

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

C2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
08 PART-MUTUEL COMMISSION (CONT.)  
01 PART-MUTUEL COMMISSION (CONT.)

THE FUNDS REIMBURSED SHALL BE CREDITED TO THE  
APPROPRIATION FOR "OTHER PERSONNEL SERVICES".

INSERT IN PLACE THEREOF

"\*  
SUCH PORTION OF THIS AMOUNT THAT CONSTITUTES  
THE COMPENSATION OF THE COMMISSION VETERINARIAN  
OF THE PART-MUTUEL COMMISSION SHALL BE REIM-  
BURSED TO THE STATE BY THE PERSONS ASSOCIATION,  
OR CORPORATION CONDUCTING THE RACE OR MEET AND  
SUCH REIMBURSEMENT SHALL INCLUDE THE EMPLOYER'S  
SHARE OF OASI TAXES. SUCH FUNDS SHALL BE  
DEPOSITED AS UNRESTRICTED REVENUE. THE  
GOVERNOR AND COUNCIL SHALL ESTABLISH THE  
SALARIES OF THE COMMISSION VETERINARIANS AND  
ANY ADDITIONAL AMOUNTS PAID FOR THIS PURPOSE  
OVER THE SUMS APPROPRIATED FOR THIS IN  
"OTHER PERSONAL SERVICES" SHALL BE REIMBURSED  
TO THE STATE BY THE TRACK, INCLUDING OASI, AND  
THE FUNDS REIMBURSED SHALL BE CREDITED TO THE  
APPROPRIATION FOR "OTHER PERSONAL SERVICES."

C2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
13 LIQUOR COMMISSION  
04 MERCHANDISING  
02 STORES  
C1 STORES

STRIKE OUT AFTER SOURCE OF FUNDS

"WHEN THE GOVERNOR AND COUNCIL AUTHORIZE THE  
AWARD OF FUNDS UNDER RSA 237-RSA230:33-43, RSA  
228:31, OR ANY COMBINATION OF THESE PROVISIONS  
RELATING TO THE ACQUISITION OF REAL AND PERSON-  
AL PROPERTY IN CONNECTION WITH LIQUOR STORE

AMENDMENTS TO PAGE 2730 05/18/87  
H00300

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
13 LIQUOR COMMISSION (CONT.)  
04 MERCHANDISING (CONT.)  
02 STORES (CONT.)  
C1 STORES (CONT.)

40. 50 IN NASHUA, THE COMMISSIONER OF ADMINISTRATIVE SERVICES SHALL ESTABLISH A SPECIAL ACCOUNT AND DEPOSIT SUCH FUNDS INTO THE ACCOUNT. THE FUNDS IN THE ACCOUNT ARE HEREBY APPROPRIATED TO THE LIQUOR COMMISSION FOR THE BIENNIMUM ENDING JUNE 30, 1989, AND ANY FUNDS REMAINING IN THE ACCOUNT SHALL LAPSE TO THE GENERAL FUND ON JUNE 30, 1939. THE LIQUOR COMMISSION SHALL UTILIZE THE ACCOUNT ACCORDING TO THE FOLLOWING PRIORITIES:

- I. RELOCATION OF LIQUOR STORE NO. 50 IN NASHUA.
- II. WITH PRIOR APPROVAL OF THE FISCAL COMMISSION AND THE GOVERNOR AND COUNCIL, RELOCATION OF STORES ACCORDING TO THE FOLLOWING PRIORITIES:
  1. STORE 64-NEW LONDON
  2. STORE 49-PLAISTOW
  3. STORE 5-BERLIN
  4. STORE 19-PLYMOUTH
  5. STORE 57-OSSIPEE

INSERT 14 PLACE THEREOF

WHEN THE GOVERNOR AND COUNCIL AUTHORIZE THE AWARD OF FUNDS UNDER RSA 237-RSA230:33-43, RSA 228:31, OR ANY COMBINATION OF THESE PROVISIONS RELATING TO THE ACQUISITION OF REAL AND PERSONAL PROPERTY IN CONNECTION WITH LIQUOR STORE NO. 50 IN NASHUA, THE COMMISSIONER OF ADMINISTRATIVE SERVICES SHALL ESTABLISH A SPECIAL ACCOUNT AND DEPOSIT SUCH FUNDS INTO THE ACCOUNT. THE FUNDS IN THE ACCOUNT ARE HEREBY APPROPRIATED TO THE LIQUOR COMMISSION FOR THE BIENNIMUM ENDING JUNE 30, 1939, AND ANY FUNDS REMAINING IN THE ACCOUNT SHALL LAPSE TO THE GENERAL FUND ON JUNE 30, 1939. THE LIQUOR COMMISSION SHALL UTILIZE THE ACCOUNT ACCORD-

AMENDMENTS TO	PAGE	05/18/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
HR0300	2731			

C2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 13 LIQUOR COMMISSION (CONT.)  
 C4 MERCHANDISING (CONT.)  
 02 STORES (CONT.)  
 01 STORES (CONT.)

ING TO THE FOLLOWING PRIORITIES:

I. RELOCATION OF LIQUOR STORE NO. 50 IN  
YASHUA.

II. WITH PRIOR APPROVAL OF THE FISCAL COMMITTEE AND THE GOVERNOR AND COUNCIL, RELOCATION OF STORES ACCORDING TO THE FOLLOWING PRIORITIES:

1. STORE 64-NEW LONDON
2. STORE 49-PLASTOW
3. STORE 5-BERLIN
4. STORE 19-PLYMOUTH
5. STORE 57-OSSIEPEE

TOTAL	128637.228	133084.583
ESTIMATED SOURCE OF FUNDS FOR		
ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION		
FEDERAL FUNDS	14515.823	14913.896
GENERAL FUNDS	73350.244	76670.480
OTHER FUNDS	40771.161	41500.207
TOTAL	128637.228	133084.583

Q3 RESOURCE PROTECTION AND DEVELOPMENT  
Q3 RESOURCES AND ECONOMIC DEVELOPMENT  
C2 ECONOMIC DEVELOPMENT  
Q3 VACATION TRAVEL PROMOTION

	*	977,000	977,000
STRIKE QJT			
QJ PRINTING ADV BRANCH OFFICE			
INSERT I4 PLACE THEREOF			
QJ PRINTING ADV BRANCH OFFICE		977,000	977,000

\* THE AMOUNT UP TO \$30,000 EACH YEAR MAY BE EXPENDED FOR RESEARCH PROGRAMS IN ORDER TO MEASURE THE EFFECTIVENESS OF DEPARTMENTAL ADVERTISING PROGRAMS-AN AMOUNT NOT EXCEEDING 20%



AMENDMENTS TO HBJ500	PAGE	2732	05/18/87	----- FISCAL YEAR 1988 -----	----- FISCAL YEAR 1989 -----
(CONT.) (CONT.) (CONT.) (CONT.)					
01 RESOURCE PROTECTION AND DEVELOPMENT 02 RESOURCES AND ECONOMIC DEVELOPMENT 03 ECONOMIC DEVELOPMENT 04 VACATION TRAVEL PROMOTION					
IF THE TOTAL APPROPRIATION MAY BE TRANSFERRED TO PRINTING AND ADVERTISING WITH THE APPROVAL OF THE FISCAL COMMITTEE AND GOVERNOR AND COUNCIL.					
TOTAL				1895,056	1915,207
TOTAL				2646,428	2689,502
ESTIMATED SOURCE OF FUNDS FOR					
ECONOMIC DEVELOPMENT				2646,428	2689,502
GENERAL FUNDS					
TOTAL				13720,136	13602,521
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
RESOURCES AND ECONOMIC DEVELOPMENT				126,632	126,632
FEDERAL FUNDS				12766,845	12658,046
GENERAL FUNDS				406,659	817,843
OTHER FUNDS					
TOTAL				13720,136	13602,521

03 RESOURCE PROTECTION AND DEVELOPMENT  
 04 DEPT OF ENVIRONMENTAL SERVICES  
 00 PLUMBERS BOARD

STRIKE OUT AFTER SOURCE OF FUNDS

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS-  
 ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
 ALREADY ESTABLISHED FEES FOR EXAMINATION  
 APPLICANTS, APPLICANTS FOR A LICENSE OR  
 REGISTRATION, A PUBLICATION WHICH THEY "SELL" OR  
 ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
 ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT  
 RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH  
 PROGRAMS. SUCH FEES SHALL RECOVER, ON AN  
 ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE  
 PROGRAM INCLUDING THE COST OF SUPPORT AND  
 ADMINISTRATIVE SERVICES PROVIDED BY OTHER  
 AGENCIES, OR 12% OF THE DIRECT COST OF THE  
 BOARD OR COMMISSION RELATING TO THE PROGRAM.

AMENDMENTS TO                      PAGE      2734      05/18/87                      ----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

HB0300

C3 RESOURCE PROTECTION AND DEVELOPMENT (CONT.)  
04 DEPT OF ENVIRONMENTAL SERVICES (CONT.)  
06 PLUMBERS BOARD (CONT.)

WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

INSERT IN PLACE THEREOF

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS. ALL BOARDS AND COMMISSIONS WHICH HAVE NOT ALREADY ESTABLISHED FEES FOR EXAMINATION APPLICANTS, APPLICANTS FOR A LICENSE OR REGISTRATION, A PUBLICATION WHICH THEY SELL, OR ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFICALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT RULES UNDER RSA 341-A RELATIVE TO FEES FOR SUCH PROGRAMS. SUCH FEES SHALL RECOVER, ON AN ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE BOARD OR COMMISSION RELATING TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

TOTAL	41384,096	31082,703
ESTIMATED SOURCE OF FUNDS FOR		
DEPT OF ENVIRONMENTAL SERVICES		
FEDERAL FUNDS	17950,902	7212,375
GENERAL FUNDS	10331,076	1964,787
OTHER FUNDS	4082,120	4205,541
TOTAL	41384,096	31082,703

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03 RESOURCE PROTECTION AND DEVELOPMENT (CONT.)  
04 DEPT OF ENVIRONMENTAL SERVICES (CONT.)

TOTAL	62905,769	53103,516
ESTIMATED SOURCE OF FUNDS FOR		
RESOURCE PROTECTION AND DEVELOPMENT		
GENERAL FUNDS	19189,015	8589,578
FISH AND GAME	32207,919	32362,833
OTHER FUNDS	5294,815	5713,692
TOTAL	6213,420	6437,413
	62905,769	53103,516

C4 TRANSPORTATION  
01 DEPARTMENT OF TRANSPORTATION  
05 AERONAUTICS DIVISION  
01 ADMINISTRATION & SUPPORT

STRIKE OUT

THE AERONAUTICS COMMISSION MAY ALLOCATE UP TO  
25% TO AIRPORTS NOT LISTED IN THE NATIONAL PLAN  
OF INTEGRATED AIRPORT SYSTEMS. IN MAKING ALLO-  
CATIONS, THE AERONAUTICS COMMISSION SHALL GIVE  
DUE CONSIDERATION TO AIRPORT SPONSORSHIP,  
AIRPORT CHARACTERISTICS, INCLUDING PAVEMENT,  
AVIATION SERVICES AVAILABLE, TYPE OF AVIATION  
ACTIVITY, ANNUAL AIRCRAFT OPERATION, POPULATION  
SERVED, NUMBER OF BASED AIRCRAFT, DAYS OF  
OPERATION, ETC.

INSERT IN PLACE THEREOF

THE AERONAUTICS DIVISION MAY ALLOCATE UP TO  
25% TO AIRPORTS NOT LISTED IN THE NATIONAL PLAN  
OF INTEGRATED AIRPORT SYSTEMS. IN MAKING ALLO-  
CATIONS, THE AERONAUTICS DIVISION SHALL GIVE  
DUE CONSIDERATION TO AIRPORT SPONSORSHIP,

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C4 TRANSPORTATION  
 01 DEPARTMENT OF TRANSPORTATION  
 05 AERONAUTICS DIVISION  
 01 ADMINISTRATION & SUPPORT  
 (CONT.)  
 (CONT.)  
 (CONT.)  
 (CONT.)

AIRPORT CHARACTERISTICS, INCLUDING PAVEMENT,  
 AVIATION SERVICES AVAILABLE, TYPE OF AVIATION  
 ACTIVITY, ANNUAL AIRCRAFT OPERATION, POPULATION  
 SERVED, NUMBER OF BASED AIRCRAFT, DAYS OF  
 OPERATION, ETC.

C5 HEALTH AND SOCIAL SERVICES  
 02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
 C7 ADMIN. ATTACHED BOARDS  
 01 COSMETOLOGY & BARBERS UD

STRIKE OUT AFTER SOURCE OF FUNDS

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
 ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
 ALREADY ESTABLISHED FEES FOR EXAMINATION  
 APPLICANTS, APPLICANTS FOR A LICENSE OR

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05 HEALTH AND SOCIAL SERVICES (CONT.)  
 02 DEPARTMENT OF HEALTH & HUMAN SERVICES (CONT.)  
 07 ADMIN. ATTACHED BOARDS (CONT.)  
 01 COSMETOLOGY & BARBERS RD (CONT.)

REGISTRATION, A PUBLICATION WHICH THEY SELL, OR ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFICALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH PROGRAMS. SUCH FEES SHALL RECOVER, ON AN ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE BOARD OR COMMISSION RELATIVE TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

# INSERT 14 PLACE THEREOF

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS. ALL BOARDS AND COMMISSIONS WHICH HAVE NOT ALREADY ESTABLISHED FEES FOR EXAMINATION APPLICANTS, APPLICANTS FOR A LICENSE OR REGISTRATION, A PUBLICATION WHICH THEY SELL, OR ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFICALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH PROGRAMS. SUCH FEES SHALL RECOVER, ON AN ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE BOARD OR COMMISSION RELATIVE TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS



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----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

05 HEALTH AND SOCIAL SERVICES (CONT.)  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES (CONT.)  
07 ADMIN ATTACHED BOARDS (CONT.)  
01 COSMETOLOGY & BARBERS BD (CONT.)

NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF  
THE EXAMINATION.

05 HEALTH AND SOCIAL SERVICES  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
07 ADMIN ATTACHED BOARDS  
02 DENTAL BOARD  
01 ADMINISTRATION & SUPPORT

STRIKE OUT AFTER SOURCE OF FUNDS

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
ALREADY ESTABLISHED FEES FOR EXAMINATION  
APPLICANTS, APPLICANTS FOR EXAMINATION  
REGISTRATION, A PUBLICATION WHICH THEY "SELL" OR  
ANY OTHER PROGRAM, FOR WHICH THEY ARE SPECIFIC-  
ALLY AUTHORIZED TO CHARGE FEES, SHALL ADOPT  
RULES UNDER WHICH SUCH FEES SHALL BE RELATIVE TO FEES FOR SUCH  
PROGRAMS. WHENEVER SUCH FEES SHALL EXCEED THE FULL COST OF THE  
PROGRAM, INCLUDING THE COST OF SUPPORT AND  
ADMINISTRATIVE SERVICES PROVIDED BY OTHER  
AGENCIES, OR 12% OF THE DIRECT COST OF THE  
BOARD OR COMMISSION RELATING TO THE PROGRAM,  
WHICHEVER IS GREATER, A BOARD OR COMMISSION  
WHICH ESTABLISHES FEES FOR EXAMINATION  
APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINA-  
TION-RELATED SERVICES, OR SUPPLIES, AS  
NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF  
THE EXAMINATION.

INSERT IN PLACE THEREOF

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.

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----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

C5 HEALTH AND SOCIAL SERVICES (CONT.)  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES (CONT.)  
07 ADMIN ATTACHED BOARDS (CONT.)  
02 DENTAL BOARD (CONT.)  
01 ADMINISTRATION & SUPPORT (CONT.)

ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
ALREADY ESTABLISHED FEES FOR EXAMINATION  
APPLICANTS, APPLICANTS FOR A LICENSE OR  
REGISTRATION, A PUBLICATION WHICH THEY SELL, OR  
ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT  
RULES UNDER KSA 71A A RELATIVE TO FEES FOR SUCH  
PROGRAMS. ANNUAL FEES SHALL BE COVERED ON AN  
INCREASED BIENNIAL BASIS THE FULL COST OF THE  
PROGRAM. IN THE EVENT OF A SHORTAGE OF  
ADMINISTRATIVE SERVICES PROVIDED BY THE  
AGENCIES, OR 72% OF THE DIRECT COST OF THE  
BOARD OR COMMISSION RELATIVE TO THE PROGRAM,  
WHICHEVER IS GREATER, A BOARD OR COMMISSION  
WHICH ESTABLISHES FEES FOR EXAMINATION  
APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINA-  
TIONS, RELATED SERVICES, OR SUPPLIES AS  
NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF  
THE EXAMINATION.

C5 HEALTH AND SOCIAL SERVICES  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
07 ADMIN ATTACHED BOARDS  
03 ELECTROLYSIS BOARD

STRIKE OUT AFTER SOURCE OF FUNDS

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
ALREADY ESTABLISHED FEES FOR EXAMINATION  
APPLICANTS, APPLICANTS FOR A LICENSE OR  
REGISTRATION, A PUBLICATION WHICH THEY SELL, OR  
ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT

AMENDMENTS TO HB0300 PAGE 2740 05/18/87 ----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

CS HEALTH AND SOCIAL SERVICES  
 02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
 07 ADMIN ATTACHED BOARDS  
 03 ELECTROLYSIS BOARD

(CONT.)  
 (CONT.)  
 (CONT.)

RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH PROGRAMS. SUCH FEES SHALL RECOVER, ON AN ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE BOARD OR COMMISSION RELATING TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

# INSERT 11 PLACE THEREOF

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS. ALL BOARDS AND COMMISSIONS WHICH HAVE NOT ALREADY ESTABLISHED FEES OR EXAMINATION APPLICANTS SHALL ESTABLISH FEES FOR EXAMINATION APPLICANTS FOR ALL EXAMINATIONS, ORsell, OR REISTRATION PROGRAM FOR WHICH THEY ARE SPECIFICALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH PROGRAMS. SUCH FEES SHALL RECOVER, ON AN ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE BOARD OR COMMISSION RELATING TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

CS HEALTH AND SOCIAL SERVICES  
 02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
 07 ADMIN ATTACHED BOARDS  
 03 JUCIAL DIRECTORS & EXAMINERS

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----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

C5 HEALTH AND SOCIAL SERVICES (CONT.)  
C2 DEPARTMENT OF HEALTH & HUMAN SERVICES (CONT.)  
C7 ADMIN. ATTACHED BOARDS (CONT.)  
04 FUNERAL DIRECTORS & EMBALMERS (CONT.)

# STRIKE OUT AFTER SOURCE OF FUNDS

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
ALREADY ESTABLISHED FEES FOR EXAMINATION  
APPLICANTS, APPLICANTS FOR A LICENSE OR  
REGISTRATION, A PUBLICATION WHICH THEY SELL, OR  
ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT  
RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH  
PROGRAMS. SUCH FEES SHALL RECOVER, ON AN  
ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE  
PROGRAM INCLUDING THE COST OF SUPPORT AND  
ADMINISTRATIVE SERVICES PROVIDED BY OTHER  
AGENCIES, OR 125% OF THE DIRECT COST OF THE  
BOARD OR COMMISSION RELATING TO THE PROGRAM,  
WHICHEVER IS GREATER. A BOARD OR COMMISSION  
WHICH ESTABLISHES FEES FOR EXAMINATION  
APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINA-  
TIONS, RELATED SERVICES, OR SUPPLIES, AS  
NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF  
THE EXAMINATION.

# INSERT IN PLACE THEREOF

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
ALREADY ESTABLISHED FEES FOR EXAMINATION  
APPLICANTS, APPLICANTS FOR A LICENSE OR  
REGISTRATION, A PUBLICATION WHICH THEY SELL, OR  
ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT  
RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH  
PROGRAMS. SUCH FEES SHALL RECOVER, ON AN  
ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

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C5 HEALTH AND SOCIAL SERVICES (CONT.)  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES (CONT.)  
07 ADMIN ATTACHED BOARDS (CONT.)  
04 FEDERAL DIRECTORS & EMBALMERS

PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE BOARD OR COMMISSION RELATING TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

C5 HEALTH AND SOCIAL SERVICES  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
07 ADMIN ATTACHED BOARDS  
03 MEDICINE, BOARD OF  
C1 ADMINISTRATION & SUPPORT

STRIKE JJT AFTER SOURCE OF FUNDS

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS. ALL BOARDS AND COMMISSIONS WHICH HAVE NOT ALREADY ESTABLISHED FEES FOR EXAMINATION APPLICANTS, APPLICANTS FOR A LICENSE OR REGISTRATION, OR PUBLICATION THEY ARE SPECIFICALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT FEES UNDER \$64- RELATIVE TO FEES FOR SUCH PROGRAMS. WHEN BASIS THE FULL COST OF THE BOARD, INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE BOARD OR COMMISSION RELATING TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION

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----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

C5 HEALTH AND SOCIAL SERVICES (CONT.)  
 02 DEPARTMENT OF HEALTH & HUMAN SERVICES (CONT.)  
 07 ADMIN ATTACHED BOARDS (CONT.)  
 03 MEDICINE, BOARD OF (CONT.)  
 01 ADMINISTRATION & SUPPORT (CONT.)

APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

INSERT IN PLACE THEREOF

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS. ALL BOARDS AND COMMISSIONS WHICH HAVE NOT ALREADY ESTABLISHED FEES FOR EXAMINATION APPLICANTS, APPLICANTS FOR A LICENSE OR REGISTRATION, A PUBLICATION WHICH THEY SELL, OR ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFICALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH PROGRAMS. SUCH FEES SHALL RECOVER, ON AN ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES OR THE DIRECT COST OF THE BOARD OR COMMISSION RELATING TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

05 HEALTH AND SOCIAL SERVICES  
 02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
 07 ADMIN ATTACHED BOARDS  
 03 OPTOMETRY, BOARD OF

STRIKE OUT AFTER SOURCE OF FUNDS



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05 HEALTH AND SOCIAL SERVICES  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
07 ADMIN ATTACHED BOARDS  
06 OPTOMETRY, BOARD OF

(CONT.)  
(CONT.)  
(CONT.)

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
ALREADY ESTABLISHED FEES FOR EXAMINATION  
APPLICANTS, APPLICANTS FOR A LICENSE OR  
REGISTRATION, A PUBLICATION WHICH THEY SELL, OR  
ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT  
RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH  
PROGRAMS. SUCH FEES SHALL RECOVER, ON AN  
ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE  
PROGRAM INCLUDING THE COST OF SUPPORT AND  
ADMINISTRATIVE SERVICES PROVIDED BY OTHER  
AGENCIES, OR 125% OF THE DIRECT COST OF THE  
BOARD OR COMMISSION RELATING TO THE PROGRAM,  
WHICHEVER IS GREATER. A BOARD OR COMMISSION  
WHICH ESTABLISHES FEES FOR EXAMINATION  
APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINA-  
TIONS, RELATED SERVICES, OR SUPPLIES, AS  
NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF  
THE EXAMINATION.

INSERT IN PLACE THEREOF

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
ALREADY ESTABLISHED FEES FOR EXAMINATION  
APPLICANTS, APPLICANTS FOR A LICENSE OR  
REGISTRATION, A PUBLICATION WHICH THEY SELL, OR  
ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT  
RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH  
PROGRAMS. SUCH FEES SHALL RECOVER, ON AN  
ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE  
PROGRAM INCLUDING THE COST OF SUPPORT AND  
ADMINISTRATIVE SERVICES PROVIDED BY OTHER  
AGENCIES, OR 125% OF THE DIRECT COST OF THE  
BOARD OR COMMISSION RELATING TO THE PROGRAM,

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----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

05 HEALTH AND SOCIAL SERVICES (CONT.)  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES (CONT.)  
07 ADMIN. ATTACHED BOARDS (CONT.)  
06 OPTOMETRY, BOARD OF (CONT.)

WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

05 HEALTH AND SOCIAL SERVICES  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
07 ADMIN. ATTACHED BOARDS  
06 PHARMACY COMMISSION

STRIKE OUT AFTER SOURCE OF FUNDS

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS. ALL BOARDS AND COMMISSIONS WHICH HAVE NOT ALREADY ESTABLISHED FEES FOR EXAMINATION APPLICANTS, APPLICANTS FOR A LICENSE OR REGISTRATION, A PUBLICATION WHICH THEY SELL, OR ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFICALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH PROGRAMS. SUCH FEES SHALL RECOVER, ON AN ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE BOARD OR COMMISSION RELATING TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

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05 HEALTH AND SOCIAL SERVICES  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
07 ADMIN ATTACHED BOARDS  
07 PHARMACY COMMISSION

(CONT.)  
(CONT.)  
(CONT.)

INSERT IN PLACE THEREOF

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
ALREADY ESTABLISHED FEES FOR EXAMINATION  
APPLICANTS, APPLICANTS FOR A LICENSE OR  
REGISTRATION, A PUBLICATION WHICH THEY SELL, OR  
ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
ALLY AUTHORIZED TO CHARGE A FEE, SHALL ADOPT  
RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH  
PROGRAMS. SUCH FEES SHALL COVER, ON AN  
ANNUAL OR BIENNIAL BASIS, THE FULL COST OF THE  
PROGRAM INCLUDING THE COST OF SUPPLYING AND  
ADMINISTRATIVE SERVICES PROVIDED BY OTHER  
AGENCIES, OR 125% OF THE DIRECT COST OF THE  
PROGRAM, WHICHEVER IS GREATER, FOR BOARDS OR COMMISSIONS  
WHICH ESTABLISH FEES FOR EXAMINATION  
APPLICANTS, APPLICANTS FOR A LICENSE OR  
REGISTRATION, OR SUCH FUNDS FOR EXAMINA-  
TION, RELATED SERVICES OR SUPPLIES, AS  
FEES, BUT NOT TO EXCEED THE DIRECT COST OF  
THE EXAMINATION.

05 HEALTH AND SOCIAL SERVICES  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
07 ADMIN ATTACHED BOARDS  
07 PHARMACY, REGISTRATION IN

STRIKE JTT AFTER SOURCE OF FUNDS

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
ALREADY ESTABLISHED FEES FOR EXAMINATION

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----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

05 HEALTH AND SOCIAL SERVICES  
02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
07 ADJUTANT ATTACHED BOARDS  
03 PODIATRY, REGISTRATION IN

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

APPLICANTS, APPLICANTS FOR A LICENSE OR REGISTRATION, A PUBLICATION WHICH THEY SELL, OR ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFICALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH PROGRAMS. SUCH FEES SHALL RECOVER, ON AN ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE BOARD OR COMMISSION RELATING TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINATIONS, RELATED SERVICES, OR SUPPLIES, AS NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF THE EXAMINATION.

INSERT IN PLACE THEREOF

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS. ALL BOARDS AND COMMISSIONS WHICH HAVE NOT ALREADY ESTABLISHED FEES FOR EXAMINATION APPLICANTS, APPLICANTS FOR A LICENSE OR REGISTRATION, A PUBLICATION WHICH THEY SELL, OR ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFICALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH PROGRAMS. SUCH FEES SHALL RECOVER, ON AN ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE PROGRAM INCLUDING THE COST OF SUPPORT AND ADMINISTRATIVE SERVICES PROVIDED BY OTHER AGENCIES, OR 125% OF THE DIRECT COST OF THE BOARD OR COMMISSION RELATING TO THE PROGRAM, WHICHEVER IS GREATER. A BOARD OR COMMISSION WHICH ESTABLISHES FEES FOR EXAMINATION APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINA-

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05 HEALTH AND SOCIAL SERVICES (CONT.)  
 02 DEPARTMENT OF HEALTH & HUMAN SERVICES (CONT.)  
 07 ADMIN ATTACHED BOARDS (CONT.)  
 03 PODIATRY, REGISTRATION IN

CTIONS, RELATED SERVICES, OR SUPPLIES, AS  
 NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF  
 THE EXAMINATION.

C5 HEALTH AND SOCIAL SERVICES  
 02 DEPARTMENT OF HEALTH & HUMAN SERVICES  
 07 ADMIN ATTACHED BOARDS  
 09 PSYCHOLOGIST, BOARD OF

STRIKE OUT AFTER SOURCE OF FUNDS

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
 ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
 ALREADY ESTABLISHED FEES FOR EXAMINATION  
 APPLICANTS, APPLICANTS FOR A LICENSE OR  
 REGISTRATION, A PUBLICATION WHICH THEY SELL, OR  
 ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
 ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT  
 RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH  
 PROGRAMS. SUCH FEES SHALL RECOVER, ON AN  
 ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE  
 PROGRAM INCLUDING THE COST OF SUPPORT AND  
 ADMINISTRATIVE SERVICES PROVIDED BY OTHER  
 AGENCIES, OR 125% OF THE DIRECT COST OF THE  
 BOARD OR COMMISSION RELATING TO THE PROGRAM,  
 WHICHEVER IS GREATER. A BOARD OR COMMISSION  
 WHICH ESTABLISHES FEES FOR EXAMINATION  
 APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINA-  
 TIONS, RELATED SERVICES, OR SUPPLIES, AS  
 NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF  
 THE EXAMINATION.

INSERT IN PLACE THEREOF

AMENDMENTS TO PAGE 2749 05/18/87  
HJ0300

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

05 HEALTH AND SOCIAL SERVICES (CONT.)  
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES (CONT.)  
07 ADMIN ATTACHED BOARDS (CONT.)  
01 PSYCHOLOGIST, BOARD OF (CONT.)

ESTABLISHMENT OF FEES BY BOARDS & COMMISSIONS.  
ALL BOARDS AND COMMISSIONS WHICH HAVE NOT  
ALREADY ESTABLISHED FEES FOR EXAMINATION  
APPLICANTS FOR A LICENSE OR  
REGISTRATION, A PUBLICATION WHICH THEY SELL, OR  
ANY OTHER PROGRAM FOR WHICH THEY ARE SPECIFIC-  
ALLY AUTHORIZED TO CHARGE A FEE SHALL ADOPT  
RULES UNDER RSA 541-A RELATIVE TO FEES FOR SUCH  
PROGRAMS. SUCH FEES SHALL RECOVER, ON AN  
ANNUAL OR BIENNIAL BASIS THE FULL COST OF THE  
PROGRAM INCLUDING THE COST OF SUPPORT AND  
ADMINISTRATIVE SERVICES PROVIDED BY OTHER  
AGENCIES, OR 12% OF THE DIRECT COST OF THE  
BOARD OR COMMISSION RELATING TO THE PROGRAM,  
WHICHEVER IS GREATER. A BOARD OR COMMISSION  
WHICH ESTABLISHES FEES FOR EXAMINATION  
APPLICANTS MAY EXPEND SUCH FUNDS FOR EXAMINA-  
TIONS, RELATED SERVICES, OR SUPPLIES, AS  
NEEDED, BUT NOT TO EXCEED THE DIRECT COST OF  
THE EXAMINATION.

06 EDUCATION  
03 DEPARTMENT OF EDUCATION  
05 DIVISION OF INSTRUCTION  
01 GENERAL INSTRUCTION  
01 INSTRUCTION - ADMINISTRATION

STRIKE 01

01 ECONOMIC DEVELOPMENT  
INSERT IN PLACE THEREOF  
01 ECONOMIC DEVELOPMENT

30,000  
30,000

TOTAL

198,524 191,057

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
GENERAL INSTRUCTION

15608,707 15896,778





AMENDMENTS TO  
HB0300 PAGE 2751 05/18/87

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

(CONT.)  
(CONT.)

C6 EDUCATION  
03 DEPARTMENT OF EDUCATION

GENERAL FUNDS  
OTHER FUNDS  
TOTAL

38339,393  
19982,790  
103161,169

34897,348  
22897,936  
103504,485

C6 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
01 OFFICE OF THE COMMISSIONER  
03 FINANCIAL AID OFFICERS

STRIKE OUT  
30 OTHER PERSONNEL SERVICES  
INSERT IN PLACE THEREOF  
30 OTHER PERSONAL SERVICES  
TOTAL

39,041  
39,041

40,938  
40,938

259,191 277,273

1339,452 1385,556

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
OFFICE OF THE COMMISSIONER  
GENERAL FUNDS  
OTHER FUNDS  
TOTAL

937,275  
402,177  
1339,452

983,379  
402,177  
1385,556

C6 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
02 N4 TECHNICAL INSTITUTE  
03 WOMEN'S DORM

ESTIMATED SOURCE OF FUNDS FOR  
WOMEN'S DORM  
STRIKE OUT  
C7 4111 CONCORD RM WO DORM  
INSERT IN PLACE THEREOF  
C7 4111 CONCORD WOMEN'S DORM  
TOTAL

134,046  
134,046  
134,046

187,304  
187,304  
187,304

AMENDMENTS TO PAGE 2752 05/18/87  
H93500

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

C6 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
C4 N H TECHNICAL INSTITUTE  
03 WOMEN'S DORM

06 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
C4 N H TECHNICAL INSTITUTE  
04 MEN'S DORM

ESTIMATED SOURCE OF FUNDS FOR

04 MEN'S DORM

STRIKE OUT  
07 NITI MEN'S DORM REVENUE  
INSERT IN PLACE THEREOF  
07 NITI MEN'S DORM REVENUE  
TOTAL

47,986  
47,986  
108,645

06 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
04 N H TECHNICAL INSTITUTE  
11 VOCATIONAL TRAINING DIVISION

ESTIMATED SOURCE OF FUNDS FOR

VOCATIONAL TRAINING DIVISION

STRIKE OUT  
07 EVENING SUMMER SCHOOL  
INSERT IN PLACE THEREOF  
07 EVENING & SUMMER SCHOOL  
TOTAL

567,207  
567,207  
587,581

06 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION  
C4 N H TECHNICAL INSTITUTE  
13 NDSL CAPITAL CONTRIBUTIONS

ESTIMATED SOURCE OF FUNDS FOR  
NDSL CAPITAL CONTRIBUTIONS

AMENDMENTS TO PAGE 2753 05/18/87  
HB0300

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

C6 EDUCATION  
C4 DEPT OF POST SECONDARY VOC EDUCATION  
D4 N H TECHNICAL INSTITUTE  
13 ND3L CAPITAL CONTRIBUTIONS

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

STRIKE JJT  
NATL DIRECT STUDENT LOAN  
INSERT IN PLACE THEREOF  
NATL DIRECT STUDENT LOAN  
TOTAL

31,212 31,824  
31,212 31,824  
34,680 35,360

7541,035

7353,569

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
N H TECHNICAL INSTITUTE  
FEDERAL FUNDS  
GENERAL FUNDS  
OTHER FUNDS  
TOTAL

347,684 348,868  
4836,038 4990,368  
2168,997 2201,799  
7353,569 7541,035

C6 EDUCATION  
C4 DEPT OF POST SECONDARY VOC EDUCATION  
C3 VOC-TECH COLLEGE LACONIA  
D3 ND3L CAPITAL CONTRIBUTIONS

ESTIMATED SOURCE OF FUNDS FOR  
ND3L CAPITAL CONTRIBUTIONS  
STRIKE JJT  
NATL DIRECT STUDENT LOAN  
INSERT IN PLACE THEREOF  
NATL DIRECT STUDENT LOAN  
TOTAL

14,170 14,448  
14,170 14,448  
15,744 16,052

2218,851

2099,266

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
VOC-TECH COLLEGE LACONIA  
FEDERAL FUNDS  
GENERAL FUNDS  
OTHER FUNDS  
TOTAL

104,379 106,436  
1256,744 1278,123  
738,143 834,292  
2099,266 2218,851

27291,025

26076,971

AMENDMENTS TO PAGE 2754 05/18/87

C6 EDUCATION  
04 DEPT OF POST SECONDARY VOC EDUCATION

(CONT.)  
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR  
DEPT OF POST SECONDARY VOC EDUCATION  
FEDERAL FUNDS  
GENERAL FUNDS  
OTHER FUNDS  
TOTAL

1234,118	1237,359
16055,103	16544,746
9377,748	9508,920
26676,971	27291,025
334232,652	345712,183

TOTAL  
ESTIMATED SOURCE OF FUNDS FOR  
EDUCATION  
FEDERAL FUNDS  
GENERAL FUNDS  
OTHER FUNDS  
TOTAL

46521,410	47999,257
105309,929	107369,483
182401,313	190343,443
334232,652	345712,183

AMENDMENTS TO PAGE 2755 05/18/87  
H00300  
STATE SUMMARY

----- FISCAL YEAR 1988 ----- FISCAL YEAR 1989 -----

TOTAL	1329211,322	1358604,483
ESTIMATED SOURCE OF FUNDS FOR		
FEDERAL FUNDS	316645,897	302989,960
GENERAL FUNDS	545907,730	569685,148
HIGHWAY FUNDS	143604,251	145896,773
FISH AND GAME	5294,815	5713,692
OTHER FUNDS	317958,629	334318,904

This enrolled amendment corrects various data entry errors in section  
1 of the bill.  
Adopted.



HB 10-FN-A, relative to state employee salaries and judicial salaries and making an appropriation therefor.

#### Amendment

Amend the bill by inserting after section 15 the following, and renumbering section 16 to read as section 20 :

16 Contingency; Part-Time Probate Judges. If HB 345-FN-A, relative to the salaries of probate judges and the sessions of probate courts and making an appropriation therefor, becomes law, the weighted caseload schedule for part-time probate judges as provided in RSA 491-A:4, II shall be adjusted to reflect salary increases granted to full-time probate judges on September 11, 1987, June 3, 1988, and December 16, 1988.

17 Contingency; Part-Time District Court Justices. If HB 651-FN, relative to compensation of district court justices and special justices, becomes law, the weighted caseload schedule for part-time district court justices as provided in RSA 491-A:3, II shall be adjusted to reflect salary increases granted to full-time district court justices on September 11, 1987, June 3, 1988, and December 16, 1988.

18 Contingency; Full-Time Probate Judges. If HB 345-FN-A, relative to the salaries of probate judges and the sessions of probate courts and making an appropriation therefor, takes effect, then RSA 491-A:1 shall include, instead of "probate judges", the following provisions:

I. Probate judges prohibited from  
practice pursuant to RSA 547:2-a  
\$ 62,476

as of the effective date of that act.

II. Probate judges prohibited from  
practice pursuant to RSA 547:2-a

\$ 64,350

as of September 11, 1987.

III. Probate judges prohibited from  
practice pursuant to RSA 547:2-a

\$ 66,281

as of June 3, 1988.

IV. Probate judges prohibited from  
practice pursuant to RSA 547:2-a

\$ 68,269

as of December 16, 1988.

19 Unclassified; Other Acts. The provisions of this act amending RSA 94:1-a shall not be deemed to supersede any other acts deleting or inserting positions in RSA 94:1-a.

Amend section 20 of the bill by inserting after paragraph IV the following new paragraph:

V. The remainder of this act shall take effect upon its passage.

This amendment ensures that the provisions of HB 345-FN-A, regarding full-time probate judges, and pay raises for part-time probate judges and part-time district court justices and other acts affecting unclassified positions are not superseded by this bill.

Adopted.

HB 355-FN-A, relative to the assumption of local probation functions by the state and making an appropriation therefor; determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an

appropriation therefor; relative to special education and certified programs for children and youth in out-of-home placements; and relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.

Amendment

Amend the bill by replacing line 2 on page 1 with the following:

504-A:11 Adult Probation Officers; Assignment and Removal. Probation Amend the bill by replacing lines 6 and 7 on page 3 with the following:

youth who are at risk of placement with the division in connection with child abuse or neglect.

Amend the bill by replacing line 19 on page 5 with the following:

9 Delinquent Children; Term of Conditional Release. RSA 169-B:19, I, (d) is

Amend the bill by replacing line 2 on page 17 with the following:  
pursuant to RSA 170-G:4, XVIII, shall be payable by the division [of] for

Amend the bill by replacing line 2 on page 18 with the following:  
pursuant to RSA 170-G:4, XVIII, shall be payable by the division [of] for

Amend the bill by replacing line 20 on page 18 with the following:  
paragraph I, or which are chargeable by law for the child's support and  
Amend the bill by replacing line 2 on page 19 with the following:

pursuant to RSA 170-G:4, XVIII, shall be payable by the division [of] for

Amend the bill by replacing line 20 on page 19 with the following:  
paragraph I, or which are chargeable by law for the child's support and  
Amend the bill by replacing line 25 on page 19 with the following:

approval of the director, division for children and youth services. The

This amendment corrects a citation and a typographical error. The amendment also corrects certain references to conform with the current law.

Adopted.

HB 440, relative to intrastate motor carriers.

Amendment

Amend the bill by replacing lines 24 and 25 on page 3 with the following:

hereunder. Fourteen days previous to the time said interest and principal are payable, the state treasurer shall examine the existing balance and if

Amend the bill by replacing line 19 on page 6 with the following:  
state from or on account of the turnpike system and any contract or other

This amendment corrects 3 typographical errors in the bill.

Adopted.

RECESS

(Deputy Speaker Burns in the Chair)

HB 641, relative to various motor vehicle laws.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to various motor vehicle laws and to  
seeing eye dogs.

Amend the bill by replacing line 25 on page 5 with the following:  
units equipped with fifth wheel mechanisms, [nor] to full trailers being  
driven

Amend the bill by replacing line 5 on page 8 with the following:

commissioner of safety may adopt rules under RSA 541-A to alter this  
weight

Amend the bill by replacing line 10 on page 12 with the following:  
hearing impaired or blind or visually impaired person not using a guide  
dog

Amend the bill by replacing line 19 on page 13 with the following:  
walking disabilities as provided under RSA 261:88. The study committee

Amend the bill by replacing line 3 on page 14 with the following:  
shall issue decals as provided under RSA 261:88, I upon request of persons

This enrolled bill amendment corrects the title of the bill and  
corrects several technical and typographical errors.

Adopted.

SB 200-FN, permitting group II members who reach age 60 and age 65 to  
make an election for retirement benefits.

Amendment

Amend the bill by inserting after section 2 the following new section  
and renumbering the original section 3 to read as 4 :

3 HB 700-FN Not to Take Effect. HB 700-FN, An Act permitting group  
II members who reach age 65 to make an election for retirement benefits,  
shall not take effect.

This amendment nullifies another bill, the contents of which are incorporated in this bill.

Adopted.

SB 219-FN-A, relative to a state operated multiple DWI offender intervention detention center and making an appropriation therefor and relative to driving after revocation or suspension.

Amendment

Amend the bill by replacing line 24 on page 3 with the following:  
the definition of "suspension" in RSA 259:107, the phrase "period of

This enrolled bill amendment corrects a typographical error.

Adopted.

SB 229-FN, relative to health clubs.

Amendment

Amend section 4 of the bill by replacing it with the following:

4 New Paragraph; Contract Requirements. Amend RSA 358-I:3 by inserting after paragraph V the following new paragraph:

VI. Each club shall provide the attorney general with a copy of its membership contract.

This enrolled bill amendment deletes a paragraph which refers to a subparagraph, the substance of which was deleted in an amendment.

Adopted.

HB 725-FN, relative to the attorney general and relative to the chief medical examiner.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the attorney general, the chief medical examiner, and indigent defendants.

Amend the bill by replacing lines 8 and 9 on page 2 with the following:

4 Transportation and Construction Bureau. Amend the section heading and paragraph I of RSA 21-M:12 to read as follows:

Amend the bill by replacing line 12 on page 2 with the following:  
of [eminent domain] transportation and construction. The bureau shall

Amend the bill by replacing line 25 on page 2 with the following:  
provisions of this chapter. The commissioner of agriculture may adopt

Amend the bill by replacing section 18 with the following:

18 Contingency. The amendment to RSA 7:20, as inserted by section 1 of HB 474-FN, shall not take effect.

19 Effective. Date.

I. Section 1-11 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1987.

This EBA corrects the title of the bill. It also corrects an error in the amending language and 2 typographical errors, and inserts a contingency provision.

Adopted.

HB 692-FN, establishing an involuntary treatment task force.

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing an involuntary treatment task force and allowing  
the commissioner of health and human services  
to transfer certain appropriations.

This amendment corrects the title of the bill.

Adopted.

HB 446, relative to the registration of partnerships and corporations.

#### Amendment

Amend the bill by replacing line 19 on page 2 with the following:

(a) A statement [has been] shall be filed with the  
commissioner

Amend the bill by replacing line 20 on page 5 with the following:

V. A certificate is amended or cancelled when there is filed  
for

This enrolled bill amendment corrects typographical errors.

Adopted.

HB 100-A, making appropriations for capital improvements.

#### Amendment

Amend the bill by replacing line 2 on page 4 with the following:

state funds in the appropriation made by 1983, 423:1, VIII as amended by

Amend the bill by replacing lines 9 and 10 on page 4 with the  
following:

I. 1969, 505:1, III(f) and 1972, 62:5 as amended by 1985, 400:5, III(a), Manchester airport-land acquisition and obstruction removal.

This amendment corrects 2 references and corrects a technical error.

Adopted.

RECESS

(Rep. Hawkins in the Chair)

HB 108-FN, relative to sunset review of the department of revenue administration - revenue collection, and relative to certain functions of the department of revenue administration.

Amendment

Amend the bill by replacing line 1 on page 3 with the following:

7 New Paragraph; Additional Exception. Amend RSA 21-J:14, V(d) by Amend the bill by inserting before section 10 the following:

9 Contingency. If HB 363, An Act relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes, and creating a division of automated information systems in the department of revenue administration, becomes law, section 5 of this act shall not take effect.

This EBA corrects a paragraph reference in section 7 of the bill and adds a contingency to prevent section 5 of the bill from taking effect if HB 363 becomes law.

Adopted.

SB 34, relative to the advisory budget control committee and the fiscal committee.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the advisory budget control committee and the fiscal committee, the legislative budget assistant, and legislative audit and oversight.

This amendment corrects the title of the bill.

Adopted.

SB 90, relative to amusement parks.

Amendment

Amend the bill by replacing lines 4 and 5 on page 2 with the following:

carnival equipment or an amusement device shall provide to the commissioner:

(a) A certificate of insurance showing the operator as a named



Amend the bill by replacing lines 11 and 12 on page 2 with the following:

the commissioner pursuant to RSA 321-A:2. The report shall be prepared by an inspector who is acceptable to the commissioner.

Amend the bill by replacing line 16 on page 2 with the following:

equipment or an amusement device shall provide to the commissioner, on a form

Amend the bill by replacing lines 24 and 25 on page 2 with the following:

the commissioner pursuant to RSA 321-A:2. The report shall be prepared by an inspector who is acceptable to the commissioner.

This amendment corrects references to the director of safety services to refer to the commissioner of safety to conform with HB 526, and corrects a typographical error.

Adopted.

SB 94, providing the legislative budget assistant with access to certain records.

#### Amendment

Amend the bill by replacing line 12 on page 1 with the following:

except for work papers as described in RSA 91-A:4, V. In such situations

Amend the bill by replacing section 4 with the following:

4 Contingency; SB 34 and HB 108-FN. If SB 34, An Act relative to the advisory budget control committee and the fiscal committee, the legislative budget assistant, and legislative audit and oversight, and HB 108-FN, An Act relative to sunset review of the department of revenue administration - revenue collection, and relative to certain functions of the department of revenue administration, become law sections 1-3 of this act shall not take effect and the following provisions shall take effect:

I. Amend RSA 14:31, IV to read as follows:

IV. All state departments, boards, institutions, commissions, and agencies shall be required to furnish to the legislative budget assistant any information, including confidential information, he may request in the course of carrying out his duties as prescribed by this section, RSA 14:31-a, and RSA 14:31-b, except that access to confidential information maintained by the department of revenue administration shall be controlled solely by the provisions of RSA 21-J:14. If the legislative budget assistant requires access to confidential information, the state entity shall furnish the information, except for work papers as described in RSA 91-A:4, V. In such situations, the legislative budget assistant shall be subject to the same restrictions and penalties regarding disclosure of the information as the original custodian of the information. The work product of the legislative budget assistant shall also be confidential to the extent required to preserve confidentiality required by law. Disclosure of confidential information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits as are required by law. The legislative budget assistant shall notify the head of any state department, board, institution, commission, or agency before requiring the

state entity to furnish any confidential information which was obtained by the entity through an exchange of information agreement with another state or the federal government. This paragraph shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties, except such summaries and results which do not disclose any identity required by law to be confidential. If any state entity objects to providing confidential information under the provisions of this paragraph, the state entity may apply to the attorney general for disapproval of the request. The attorney general may examine any confidential information to which the legislative budget assistant has requested access to determine whether or not it is necessary for the legislative budget assistant to examine the information to carry out his duties as required by law. If the attorney general finds that such examination is not necessary, he shall disapprove the request, and the agency shall not be required to provide such information. If the state entity agrees to provide the requested information, or if the attorney general determines that it is necessary for the legislative budget assistant to examine the requested information, such information shall be provided to the legislative budget assistant in a mutually agreeable and compatible format.

II. RSA 21-J:14, V(d)(4) is repealed and reenacted to read as follows:

(4) the legislative budget assistant in the performance of his duties under RSA 14:31-a, I and II only, provided that disclosure of department records, files, returns, or information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits of the department's accounts and records as are required by law as provided in section 6103 (d) (2) (A) and (B) of the Internal Revenue Code of 1954, as amended. This exception shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties.

III. Amend RSA 21-J:14 by inserting after paragraph VIII the following new paragraph:

IX. Persons who make unauthorized disclosures of confidential and privileged information disclosed under the exceptions contained in paragraph V and unauthorized persons who make any unauthorized disclosures of confidential and privileged information in violation of this section shall be subject to the penalties provided in paragraph VIII.

5 Contingency; SB 34.

I. If HB 108-FN does not become law, but SB 34 does become law, then sections 1 and 2 of this act shall not take effect, section 3 and paragraphs I of section 4 of this act shall take effect, paragraphs II and III of section 4 of this act shall not take effect, and paragraph II of this section shall take effect.

II. RSA 21-J:14, IV(d)(4) is repealed and reenacted to read as follows:

(4) the legislative budget assistant in the performance of his duties under RSA 14:31-a, I and II only, provided that disclosure of department records, files, returns, or information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits of the department's accounts and records as are required by law as provided in section 6103 (d) (2) (A) and (B) of the Internal Revenue Code of 1954, as amended. This exception shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties.

## 6 Contingency; HB 108-FN.

I. If SB 34 does not become law, but HB 108-FN does become law, then section 1 of this act shall take effect, sections 2, 3, and paragraphs I and II of section 4 shall not take effect, and paragraph III of section 4 and paragraph II of this section take effect.

II. RSA 21-J:14, V(d)(4) is repealed and reenacted to read as follows:

(4) the legislative budget assistant in the performance of his duties under RSA 14:31, I and II only, provided that disclosure of department records, files, returns, or information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits of the department's accounts and records as are required by law as provided in section 6103 (d) (2) (A) and (B) of the Internal Revenue Code of 1954, as amended. This exception shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties.

7 Effective Date. This act shall take effect 90 days after its passage.

This enrolled amendment corrects a cross-reference and establishes contingencies depending upon whether or not, either or both SB 34 and HB 108-FN become law. The contingencies relate only to internal cross-references and the numbering of the paragraphs being amended and inserted.

Adopted.

HB 695-FN, relative to committal orders for persons found not guilty by reason of insanity.

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to committal orders for persons found not guilty by reason of insanity and relative to the task force on involuntary treatment.

Amend the bill by replacing line 2 on page 3 with the following:

involuntary treatment task force and allowing the commissioner of health and human services to transfer certain authority becomes law, section 2 of this act shall

This amendment corrects the title of this bill and corrects the title of HB 692-FN which is referred to in section 3 of the bill.

Adopted.

HB 288-FN-A, establishing an office of victim/witness assistance and making an appropriation therefor.

## Amendment

Amend the bill by replacing lines 2 and 3 on page 1 with the following:

inserting after section 8-a the following new section:

21-M:8-b Office of Victim/Witness Assistance.

This amendment corrects statutory references in section 1 of the bill to avoid duplicating the numbering of a new section already enacted by HB 547.

Adopted.

HB 122-FN, relative to sunset review of board of psychologists.

#### Amendment

Amend the bill by replacing line 14 on page 2 with the following:

and one certified psychologists, the doctoral level teacher of

This enrolled amendment corrects incorrect terminology.

Adopted.

HB 723-FN, relative to licensing nondepository first mortgage bankers and brokers and relative to second mortgage home loans.

#### Amendment

Amend the bill by replacing line 14 on page 3 with the following:

II. Any first mortgage loan made or brokered under the provisions of

Amend the bill by replacing lines 6 and 7 on page 6 with the following:

experience, personnel, and record of past or proposed conduct warrant the public's confidence and the issuance of a license.

Amend the bill by replacing line 14 on page 9 with the following:

by the banking department.

Adopted.

#### ENROLLED BILLS REPORT

HB 83, relative to the Cornish-Windsor bridge and making an appropriation therefor.

HB 104, relative to sunset review of the office of state planning and consolidating the functions of the office of state planning in a new RSA chapter.

HB 127, relative to sunset review of the board of veterinary examiners and relative to preliminary hearings.

HB 133, relative to sunset review of state liquor commission - merchandising and relative to the state liquor commission.

HB 143, relative to sunset review of the department of fish and game - law enforcement.

HB 144, relative to sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles.

HB 152, relative to sunset review of the board of education - administration and support, establishing a program for administrator excellence, relative to catastrophic aid and making a supplemental appropriation for financial aids to districts-state.

HB 156, relative to sunset review of the nurses registration board.



HB 168, relative to sunset review of joint board of engineers, architects and land surveyors, and relative to exemption from regulation of the design, construction and alteration of certain small structures.

HB 171, relative to sunset review of the New England interstate water pollution control commission.

HB 294, requiring a manufactured housing park owner to give notice to a tenants' association before selling the park.

HB 321, creating the Connecticut River Valley resource commission and making an appropriation therefor.

HB 345, relative to salaries to probate judges and the sessions of probate courts and making an appropriation therefor.

HB 370, relative to employment opportunity.

HB 479, relative to a foster parent ombudsman council and relative to condominium conversions.

HB 562, relative to fireworks.

HB 586, relative to mooring of boats on certain lakes in New Hampshire.

HB 693, relative to determining membership in the New Hampshire retirement system.

SB 1, establishing the New Hampshire land conservation investment program and making an appropriation therefor.

SB 70, amending article 8 of the uniform commercial code.

SB 83, relative to distributing political campaign literature at polling places on election day.

SB 130, relative to trust fund for the prevention of child abuse and neglect, and making an appropriation therefor.

SB 211, relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study committee.

HB 727, relative to the right-to-know law.

John P. H. Chandler, Jr.

Natalie S. Flanagan

For the Committee.

RECESS

(Rep. Bardsley in the Chair)

#### ENROLLED BILLS REPORT

HB 276, relative to the rate of the real estate transfer tax.

SB 86, relative to a memorial for Governor Sherman Adams and making an appropriation therefor.

SB 69, enacting the uniform limited partnership act.

SB 75, authorizing the study of the feasibility of reconstructing U.S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor.

HB 22, relative to methods of hunting and possession of deer and moose and illegal night hunting.

HB 107, relative to sunset review of the department of revenue administration - community services.

HB 122, relative to sunset review of board of psychologists.

HB 123, relative to sunset review of public employee labor relations board.

HB 220, relative to the removal of petroleum powered vehicles from surface waters of the state.

HB 225, relative to stream reclassification of certain waters of the state.

HB 264, relative to the composition of the court accreditation commission.

HB 288, establishing an office of victim/witness assistance and making an appropriation therefor.

HB 364, establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation therefor.

HB 540, relative to bingo and lucky 7 licenses.

HB 623, relative to the practice of physical therapy.

HB 629, relative to the administration and investments of the New Hampshire retirement system.

HB 661, establishing a postsecondary vocational-technical education study committee.

HB 703, relative to the board of auctioneers.

HB 706, increasing the per diem allowance for county delegation meetings.

HB 723, relative to licensing nondepository first mortgage bankers and brokers and relative to second mortgage home loans.

SB 232, relative to regulations of off-premises delivery of barbering and cosmetology services.

Rep. Natalie S. Flanagan  
For the Committee.

RECESS

(Deputy Speaker Burns in the Chair)

#### ENROLLED BILLS REPORT

SB 10, permitting state participation in a Clean Water Act state revolving loan fund and making an appropriation therefor and making an appropriation to the Conway village fire district for its sewage treatment system.

SB 27, relative to the commemorative rifle or shotgun lottery and the penalty for throwing refuse in and around public waters.

SB 41, establishing a task force to study unclassified state employee residency requirements.

SB 76, relative to records management and archives.

SB 106, relative to the department of safety.

SB 125, increasing an appropriation for coastal projects.

SB 134, to commission a study of an environmental risk insurance fund and making an appropriation therefor.

SB 178, permitting certain non-governmental entities to be eligible to participate in the New Hampshire retirement system.

SB 180, relative to restoring the original state house and making an appropriation therefor and relative to the legislative office building and making an appropriation therefor.

SB 231, relative to manufactured housing zoning.

HB 145, relative to sunset review of the New Hampshire port authority.  
HB 167, relative to sunset review of the department of postsecondary vocational-technical education and relative to election in the town of Winchester.

HB 465, relative to the protection of employees who report violations of law or refuse to execute illegal directives.

HB 554, to revise municipal tax sale practices and relative to adding 2 public members to the current use advisory board.

John P. H. Chandler, Jr.  
Natalie S. Flanagan  
For the Committee.

RECESS



(Rep. Maurice MacDonald in the Chair)

ENROLLED BILLS REPORT

HB 142, relative to sunset review of the fish and game department - administration and support.

HB 228, legalizing certain town and district meetings and relative to an increase in the salaries of the Conway police commissioners.

HB 508, authorizing transfers within a program appropriation unit of the department of health and human services.

SB 12, relative to the operation of motors on Clarksville Pond in the town of Clarksville, the posting of Clarksville Pond, and the reinstatement of the propagation license issued to the Balsams Corporation for Lake Gloriette.

SB 197, establishing a joint legislative task force to study registration, certification, or licensing of various building services trades.

SB 34, relative to the advisory budget control committee and the fiscal committee, the legislative budget assistant, and legislative audit and oversight.

SB 90, relative to amusement parks.

SB 94, providing the legislative budget assistant with access to certain records.

SB 200, permitting group II members who reach age 60 and age 65 to make an election for retirement benefits.

SB 212, increasing financial aid to certain municipalities for water treatment projects and making an appropriation therefor.

SB 219, relative to a state operated multiple DWI offender intervention detention center and making an appropriation therefor and relative to driving after revocation or suspension.

SB 229, relative to health clubs.

HB 100, making appropriations for capital improvements.

HB 108, relative to sunset review of the department of revenue administration - revenue collection, and relative to certain functions of the department of revenue administration.

HB 165, relative to sunset review of the department of employment security and relative to appellate procedure in such department.

HB 446, relative to the registration of partnerships and corporations.

HB 641, relative to various motor vehicle laws and to seeing eye dogs.

HB 692, establishing an involuntary treatment task force and allowing the commissioner of health and human services to transfer certain appropriations.

HB 695, relative to committal orders for persons found not guilty by reason of insanity and relative to the task force on involuntary treatment.

HB 725, relative to the attorney general, the chief medical examiner, and indigent defendants.

HB 729, redefining references to the United States Internal Revenue Code for purposes of the business profits tax and temporarily continuing 2 unclassified positions.

HB 10, relative to state employee salaries and judicial salaries and making an appropriation therefor.

HB 355, relative to the assumption of local probation functions by the state and making an appropriation therefor; determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor; relative to special education and certified programs for children and youth in out-of-home placements; and relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.

HB 440, relative to intrastate motor carriers.

HB 300, making appropriations for the expenses of certain departments for fiscal years ending June 30, 1988 and June 30, 1989.

HB 200, making appropriations for capital improvements.

HB 296, establishing an office of securities regulation and making an appropriation therefor, relative to takeover bids and target companies, and increasing the securities registration fees.

John P. H. Chandler, Jr.

Natalie S. Flanagan

For the Committee.

RECESS

(Speaker in the Chair)

Rep. Harold Burns moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 29

*Thursday, 28 May 87*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Grant O God, as we come to the end of this session, that we may remain faithful to our task. We are all anticipating what our lives will be like when we have more time for ourselves, our work, or our families.

As the final debates are conducted, instill in us the wisdom that thunder is impressive, but lightning does all the work. Enable us, Holy One, to bring light and energy to the task, rather than noise.

And as we prepare to leave this place, grant us patience and peace, lest we become discouraged by the condition of our world and the demands of our lives. Go with us each day, O God, and watch over us while we are absent, one from another. Amen.

Rep. Felch led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Wells, Dupont, Vartanian, Boisvert, George Gordon and Rosencrantz, the day, illness.

Reps. Hatch, Nancy Ford, Doucette, Beaupre, Carpenito, Parks, Brady, Bennett, Warburton and Gerald Smith, the day, important business.

Rep. Boutwell, the day, illness in the family.

## INTRODUCTION OF GUESTS

Joan Thurston, wife of Rep. Thurston; Helen Holbrook, wife of Rep. Holbrook; Mike Pelletier, guest of the Merrimack Delegation; Dolores Maviglio, mother of Rep. Maviglio.

## SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the rules be so far suspended as to permit consideration at the present time, after the deadline, on HB 730, relative to the North Conway water precinct, without referral, public hearing, committee report, the required notice in the Calendar and to order to third reading at the present time.

Rep. Allard explained the bill and yielded to questions.

Reps. Ezra Mann, Hounsell and Betty Hall spoke in favor of the motion. Adopted by the necessary two-thirds.

Reps. Palumbo and Chambers moved that HB 730 be ordered to third reading at the present time.

Adopted.

## Third reading and final passage

HB 730, relative to the North Conway water precinct.

Rep. Michael King moved that two-thirds of the members present and voting be necessary to override a Governor's veto, spoke to his motion and yielded to questions.

Rep. Rounds spoke against the motion.

Rep. Chambers spoke in favor of the motion.

Reps. Palumbo and Bass spoke against the motion and yielded to questions.

Reps. James Chandler, Blanchette and Weddle spoke in favor of the motion and yielded to questions.

Rep. Harold Burns moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 181 NAYS 178  
YEAS 181

BELKNAP: Bowler, Richard Campbell, Golden, Malcolm Harrington, Maviglio, Lawrence Richardson and Turner.

CARROLL: Russell Chase, Olimpio and Schofield.

CHESHIRE: Blacketor, Cole, Daschbach, Daniel Eaton, Frink, LaMar, Matson, Morse, Ramsay, William Riley and Schwartz.

COOS: Coulombe, Guay, Kilbride, Lemire, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Arnesen, Bean, Blair, Chambers, Crystal, Densmore, Michael King, Wayne King, LaMott and Lougee.

HILLSBOROUGH: Ahern, Alukonis, Baker, Baldizar, Bourque, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Daigle, Ann Derosier, Gerard Desrochers, William Dion, Domainque, Donovan, Dube, Ducharme, Dwyer, Dykstra, Joseph M. Eaton, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Guilbert, Betty Hall, Marian Harrington, Chris Jacobson, Cornelius Keane, Donna Kelly, Korcoulis, Leclerc, Long, Lown, Lozeau, McGlynn, Messier, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Pappas, Paquette, Pignatelli, Price, Reardon, Reidy, Ellen-Ann Robinson, Routhier, Leonard Smith, Soucy, Sullivan, Turgeon, Vanderlosk, Wagner, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Beaton, Cahill, James Chandler, Fillion, Douglas Hall, Burton Knight, Merton Mann, Pantzer, Rehlander, Walter Robinson, Stio, Trombly, Wallner and Yeaton.

ROCKINGHAM: Carl Anderson, Blaisdell, Blanchard, Blanchette, William Boucher, Butler, Eunice Campbell, Cressy, Cushing, Drake, Harry Flanders, Gourdeau, Hoar, Hollingworth, Hynes, Joyce, Lovejoy, Joseph MacDonald, Mace, McGovern, Pantelakos, Pevear, Popov, Read, Ritzo, Sanderson, Scott, Sherburne, Sochalski, Splaine, Tilton, Vaughn, Walker, Weddle and Woodward.

STRAFFORD: Appleby, Callaghan, Casey, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Sandra Keans, Kincaid, Lachance, Laurion, Lussier, William McCann, McManus, Musler, Pelley, Spear, Ralph Torr, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, McKee and Normandin.

NAYS 177

BELKNAP: Brown, Dexter, Hardy, Hawkins, Holbrook, Jensen, Locke, Pearson, Randall, Thurston and Wixson.

CARROLL: Allard, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Clark, Jesse Davis, Delano, Irvin Gordon, Grodin, Hunt, Miller, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brungot, Harold Burns, Frederic Foss, Horton and Marsh.

GRAFTON: Adams, Christy, Dearborn, Driscoll, Hammond, Ezra Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Barbara Arnold, Bass, Lionel Boucher, Bowers, Cowenhoven, Cox, William Desrosiers, Paul Dionne, Clyde Eaton, Fields, Granger, Grip, Holden, Humphrey, Michael Jones, Keefe, Robert Kelley, Alice Knight, Kurk, Lanzara, Lefebvre, Levesque, Magee, Mason, Bonnie McCann, McRae, Moore, Packard, Pariseau, Perham, Prestipino, Herbert Richardson, Sallada, Schneiderat, Shriver, Steiner, Stiles, Stonner, Tarpley, Ware, Watson, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Laurent Boucher, Fraser, Gross, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Lockwood, Millard, Nichols, Phelps, Provencal, Doris Riley, Tupper, West and Whittemore.

ROCKINGHAM: Gordon Arnold, Barnes, Benton, Bucu, Marilyn Campbell, Conroy, Cooke, Ellyson, Felch, Fesh, Flanagan, John Flanders, Bert Ford, Beverly Gage, Thomas Gage, Gosselin, Elizabeth Greene, Haynes, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Magoon, Malcolm, William F. McCain, McKinney, Newell, Palumbo, Parr, Schmidtchen, Schwaner, Seward, Simon, Skinner, Sytek, Tufts, Welch and Wright.

STRAFFORD: Bates, Bernard, Chamberlin, Dingle, Robert Jones, Kinney, Koromilas, Martling, Francis Robinson, Swope, Ann Torr and Wall.

SULLIVAN: D'Amante, Domini, Flint, Ingram, Krueger, Lindblade, Peyron, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion was adopted.

#### PERSONAL PRIVILEGE

Rep. Michael King addressed the House under Personal Privilege.

#### GOVERNOR'S VETO MESSAGE ON HB 370

To the Honorable members of the General Court:

I have this day vetoed HB 370, an act relative to employment opportunity.

I have done so because of a number of problems within the legislation which mandate significant increases in the cost of our welfare programs without a commensurate improvement in the quality or breadth of the program.

Among the more significant problems this legislation creates is that it does not provide sufficient funds for the programs envisioned. In fact, the money appropriated in the budget is obviously insufficient to

pay for the additional case costs proposed. This shortfall is further aggravated by the fact that Section 6 of the bill does not permit the use of funds generated by any reduced AFDC caseload. Even with the ineffective capping mechanism included, the legislation would require eventual funding of a significantly increased cost of service.

It has been suggested that one principal purpose of this legislation is to provide a mechanism for providing Medicaid payments to a single parent willing to accept employment with modest levels of pay. I wish to point out that the State of New Hampshire has already made changes in rules to permit up to four months of Medicaid continuation after start of employment. The state can and, in fact, has been contemplating extending this to twelve months coverage. Thus, the need for this legislation is significantly mitigated. The language of this legislation would create a call for expenditures without providing the funds. As we have seen in other legislation recently passed, such an approach is a call for disaster.

I applaud the past efforts of the New Hampshire General Court in implementing successful new welfare-to-work programs. In cooperation with the Department of Health and Human Services and the Job Training Partnership Council, the State will be able to continue and, in fact, enhance our already successful training and job placement efforts in which welfare clients are trained and placed in higher wage positions. These programs will continue to be expanded.

We should also note that since 1983, New Hampshire's vibrant economy has helped reduce our welfare caseload from the high of 7,000 to 4,000 cases. Heads of households formerly on welfare have been able to leave public assistance and maintain their families by earning wages and becoming productive citizens, independent of government welfare subsidies. As noted above, this legislation would increase costs without making any effective contribution toward encouraging our citizens to continue their shift from welfare to work.

I would ask the members of the General Court to sustain this veto of HB 370 and continue to work with me to improve our present welfare reform efforts to help continue to move welfare clients from dependency to truly self-sustaining employment.

John H. Sununu, Governor

Question being, shall HB 370 pass notwithstanding the Governor's veto.  
Reps. Pappas, Jean, Densmore and Chambers spoke in favor of the question.

Reps. Sochalski, Ramsay and Michael King spoke in favor of the question and yielded to questions.

Reps. Wixson and Hammond spoke against the questions.

YEAS 293 NAYS 63  
YEAS 293

BELKNAP: Bowler, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Maviglio, Pearson, Randall, Lawrence Richardson, Thurston and Turner.

CARROLL: Allard, Russell Chase, Dickinson, Robert Holmes, Hounsell, McIntire, Olimpio, Powers and Schofield.

CHESHIRE: Blacketer, Clark, Cole, Daschbach, Jesse Davis, Daniel Eaton, Frink, Irvin Gordon, Grodin, Hunt, LaMar, Matson, Parker, Perry, Pierce, Ramsay, William Riley, Schwartz and David Young.

COOS: Harold Burns, Coulombe, Guay, Horton, Kilbride, Lemire, Mayhew, Nelson, Oleson and Theriault.



GRAFTON: Adams, Arnesen, Bean, Chambers, Crystal, Dearborn, Densmore, Michael King, Wayne King, LaMott, Lougee, Rounds, Scanlan, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahern, Alukonis, Barbara Arnold, Baker, Baldizar, Bass, Bourque, Bowers, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Cowenhoven, Cox, Cusson, Daigle, Ann Derosier, William Desrosiers, William Dion, Domainque, Donovan, Dube, Ducharme, Dwyer, Dykstra, Joseph M. Eaton, Fields, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Guilbert, Betty Hall, Marian Harrington, Healy, Holden, Chris Jacobson, Michael Jones, Cornelius Keane, Keefe, Robert Kelley, Donna Kelly, Alice Knight, Korcoulis, Kurk, Lanzara, Leclerc, Lefebvre, Levesque, Long, Lown, Lozeau, Magee, Mason, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Paquette, Pariseau, Pignatelli, Prestipino, Price, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Sallada, Schneiderat, Shriver, Leonard Smith, Soucy, Stiles, Sullivan, Tarpley, Turgeon, Vanderlosk, Wagner, Winn, Wood, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Beaton, Cahill, James Chandler, Fillion, Fraser, Gross, Douglas Hall, Hayes, Mary Holmes, Alf Jacobson, Kidder, Burton Knight, Lewis, Lockwood, Merton Mann, Millard, Pantzer, Phelps, Provencal, Rehlander, Doris Riley, Walter Robinson, Stio, Trombly, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Gordon Arnold, Benton, Blaisdell, Blanchard, Blanchette, William Boucher, Buco, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cressy, Cushing, Drake, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gosselin, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Hynes, Robert Johnson, Joyce, George Katsakiores, Phyllis Katsakiores, Lovejoy, Joseph MacDonald, Mace, Magoon, William F. McCain, McGovern, McKinney, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Read, Ritzo, Sanderson, Schwaner, Scott, Simon, Skinner, Sochalski, Splaine, Sytek, Tilton, Tufts, Vaughn, Walker, Weddle and Woodward.

STRAFFORD: Appleby, Bates, Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Jean, Robert Jones, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Laurion, Lussier, Martling, William McCann, McManus, Musler, Pelley, Francis Robinson, Spear, Ann Torr, Wall, Wilson and John Young.

SULLIVAN: Brodeur, Cutting, D'Amante, Domini, Krueger, Lindblade, McKee, Normandin, Schotanus, Spaulding and Sara Townsend.

#### NAYS 63

BELKNAP: Richard Campbell, Holbrook, Jensen, Locke and Wixson.

CARROLL: Kenneth MacDonald and Saunders.

CHESHIRE: Delano, Miller, Morse and Sawyer.

COOS: Brungot, Frederic Foss, Marsh and Purrington.

GRAFTON: Christy, Driscoll, Hammond, Ezra Mann, McAvoy, Stewart, Howard Townsend, Wadsworth and Walter.

HILLSBOROUGH: Ahrens, Lionel Boucher, Gerard Desrochers, Paul Dionne, Clyde Eaton, Granger, Grip, Humphrey, Perham, Routhier, Steiner, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Laurent Boucher, Gilbreth, C. William Johnson and Nichols.

ROCKINGHAM: Ellyson, Felch, Fesh, Bert Ford, Hoar, Roger King, Maurice MacDonald, Malcolm, Schmidtchen, Seward, Sherburne, Welch and Wright.

STRAFFORD: Swope and Ralph Torr.

SULLIVAN: Behrens, Flint, Ingram, Peyron and Rodeschin, and the veto was overridden by the necessary two-thirds.

Rep. Barnes notified the Clerk that he wished to be recorded in favor of HB 370.

GOVERNOR'S VETO MESSAGE ON HB 458

To the Honorable members of the General Court:

I have this day vetoed HB 458, relative to the disposition of fines and forfeitures collected for violation of municipal ordinances, codes and regulations.

HB 458 diverts the revenue received from violations of municipal ordinances, codes and regulations from the state general fund.

With the passage of the Unified Court System, one of the primary conditions for the State assuming responsibility for the cost of the judicial system was the acknowledgment by the local communities that the revenue from the various district and superior courts within the State would offset the overall cost of this added burden. As the years have progressed, the cost of the judicial system to the state has been significantly greater than was anticipated, and shortfalls continue to exist. HB 458 would significantly increase this shortfall over time, and in so doing undermine the basic premise upon which the Unified Court System was established.

The State of New Hampshire has fulfilled its responsibility assumed by the creation of the unified court. The State has in a significant number of other areas, including serving the needs of troubled youth under the Settlement Law, removed significant additional cost responsibilities from cities and towns. The State has also expanded in a number of more appropriate areas the returns of funds and resources to our municipalities. Therefore, I feel it would be a disservice for us to divert any of these revenue sources dedicated to offset the costs of the court system.

John H. Sununu, Governor

Question being, shall HB 458 pass notwithstanding the Governor's veto. Rep. Thomas Gage spoke in favor of the question.

(Rep. Healy in the Chair)

Rep. Holbrook spoke against the question.

Reps. Grodin and Murphy spoke in favor of the question.

Rep. Ward spoke against the question and yielded to questions.

YEAS 215 NAYS 142  
YEAS 215

BELKNAP: Bowler, Richard Campbell, Dexter, Golden, Malcolm Harrington, Hawkins, Maviglio, Lawrence Richardson and Turner.

CARROLL: Allard, Dickinson, Hounsell and Schofield.

CHESHIRE: Clark, Cole, Daschbach, Daniel Eaton, Frink, Irvin Gordon, Grodin, LaMar, Matson, Miller, Perry, Pierce, William Riley, Schwartz and David Young.

COOS: Harold Burns, Coulombe, Guay, Horton, Kilbride, Lemire, Mayhew, Nelson, Oleson and Theriault.

GRAFTON: Adams, Arnesen, Bean, Chambers, Crystal, Dearborn, Densmore, Michael King, Wayne King, Lougee, Rounds, Stewart and Wadsworth.

HILLSBOROUGH: Ahern, Alukonis, Baker, Baldizar, Bourque, Burkush, A. Leslie Burns, Chretien, Cid, Cote, Cox, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Domaingue, Donovan, Dwyer, Dykstra, Joseph M. Eaton, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Guilbert, Betty Hall, Marian Harrington, Holden, Chris Jacobson, Cornelius Keane, Donna Kelly, Korcoulis, Lanzara, Leclerc, Levesque, Long, Lown, Lozeau, Magee, Mason, McGlynn, McRae, Moore, Morrissette, Mulligan, Robert Murphy, Nixon, O'Rourke, Pignatelli, Prestipino, Price, Reardon, Reidy, Ellen-Ann Robinson, Schneiderat, Shriver, Leonard Smith, Soucy, Sullivan, Turgeon, Vanderlosk, Wagner, Winn, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Beaton, Laurent Boucher, Cahill, James Chandler, Fillion, Alf Jacobson, Burton Knight, Merton Mann, Pantzer, Provencal, Rehlander, Doris Riley, Walter Robinson, Stio, Trombly, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Barnes, Blaisdell, Blanchard, Blanchette, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cressy, Cushing, Drake, Harry Flanders, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Hynes, Robert Johnson, Joyce, Lovejoy, Joseph MacDonald, Magoon, William F. McCain, McGovern, Newell, Palumbo, Pantelakos, Pevear, Popov, Read, Ritzo, Sanderson, Scott, Sherburne, Splaine, Vaughn, Walker and Wright.

STRAFFORD: Bates, Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Sandra Keans, Kincaid, Koromilas, Laurion, Lussier, William McCann, McManus, Musler, Pelley, Spear, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Brodeur, Cutting, D'Amante, Flint, McKee, Normandin, Spaulding and Sara Townsend.

#### NAYS 142

BELKNAP: Brown, Hardy, Holbrook, Jensen, Locke, Pearson, Randall, Thurston and Wixson.

CARROLL: Russell Chase, Robert Holmes, Kenneth MacDonald, McIntire, Olimpio, Powers and Saunders.

CHESHIRE: Blacketor, Jesse Davis, Delano, Hunt, Morse, Parker, Ramsay and Sawyer.

COOS: Brungot, Frederic Foss, Marsh and Purrington.

GRAFTON: Blair, Christy, Driscoll, Hammond, LaMott, Ezra Mann, McAvoy, Scanlan, Howard Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Barbara Arnold, Bass, Lionel Boucher, Bowers, Champagne, Cowenhoven, Paul Dionne, Dube, Ducharme, Clyde Eaton, Fields, Granger, Grip, Humphrey, Michael Jones, Keefe, Robert Kelley, Alice Knight, Kurk, Lefebvre, Bonnie McCann, Messier, Packard, Pappas, Paquette, Pariseau, Perham, Herbert Richardson, Routhier, Sallada, Steiner, Stiles, Stonner, Tarpley, Ware, Watson, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Fraser, Gilbreth, Gross, Hayes, Mary Holmes, C. William Johnson, Lewis, Lockwood, Millard, Nichols and Phelps.

ROCKINGHAM: Gordon Arnold, Benton, William Boucher, Bucu, Cooke, Ellyson, Felch, Fesh, Flanagan, John Flanders, Bert Ford, Beverly Gage, Gosselin, George Katsakiores, Phyllis Katsakiores, Roger King, Maurice MacDonald, Mace, McKinney, Parr, Scamman, Schmidtchen, Schwaner, Seward, Simon, Skinner, Sochalski, Sytek, Tilton, Weddle, Welch and Woodward.

STRAFFORD: Appleby, Patricia Foss, Frechette, Jean, Robert Jones, Kinney, Lachance, Martling, Francis Robinson and Swope.

SULLIVAN: Behrens, Domini, Ingram, Krueger, Lindblade, Peyron, Rodeschin and Schotanus, and the Governor's veto was sustained lacking the necessary two-thirds to override the veto.

(Speaker in the Chair)

#### GOVERNOR'S VETO MESSAGE ON HB 724

To the Honorable members of the General Court:

After careful consideration, I have this day vetoed HB 724, relative to the transfer of 57 acres of Rye Harbor state park to the department of fish and game for wildlife management.

I have done so because this legislation, if it becomes law, would prejudice, if not preclude, the possibility of successfully pursuing a dredging project of the Rye Harbor. This would be unfortunate because it is generally agreed that as a result of shoaling and silting the Harbor requires immediate dredging if it is to continue to service the commercial fishermen, commercial charter boats, as well as private-pleasure crafts that now utilize the Harbor. I cannot, nor will I allow, Rye Harbor to lose its economic viability by loss of this dredging program.

Although I am concerned with the environmental impacts of using the presently approved site for the depositing of dredge material, the alternatives that have been suggested are expensive, dilatory and, of greater import, contingent on various federal and state approvals being received. We have no assurances from either the Environmental Protection Agency or the Army Corps of Engineers that any of these alternatives can or will meet such approval requirements. I do not feel we should pass a law which might foreclose the only currently approved option available to preserve Rye Harbor. I feel that if we were to do so, we would be doing a disservice to those citizens who rely on Rye Harbor for their economic livelihood.

To those of you who share my concern for the environmental impacts of depositing the dredge material at the currently approved site, I assure you that all viable options that can be pursued in a timely fashion, will be examined.

Of additional concern to me is the lack of any basis to support the transfer of the respective property from the Department of Resources and Economic Development, Bureau of Marine Services, for I feel that the department has and will continue to effectively manage the Rye Harbor operation.

John H. Sununu, Governor

Question being, shall HB 724 pass notwithstanding the Governor's veto.

Reps. Vaughn, Rounds, James Chandler and Drake spoke in favor of the question.

Rep. William Boucher spoke against the question.

Rep. Felch spoke against the question and yielded to questions.

Rep. Ritzo spoke in favor of the question and yielded to questions.

Rep. Harold Burns moved the previous question. Sufficiently seconded. Adopted.

YEAS 232 NAYS 125  
YEAS 232

BELKNAP: Bowler, Brown, Dexter, Golden, Jensen, Maviglio, Pearson, Randall, Lawrence Richardson, Thurston and Turner.

CARROLL: Allard, Dickinson, Robert Holmes, Kenneth MacDonald, Olimpio, Powers and Schofield.

CHESHIRE: Blacketor, Cole, Daschbach, Daniel Eaton, Frink, Irvin Gordon, Hunt, LaMar, Matson, Ramsay, William Riley and Schwartz.

COOS: Harold Burns, Kilbride, Lemire, Mayhew, Nelson, Oleson, Purrington and Theriault.

GRAFTON: Adams, Arnesen, Bean, Blair, Chambers, Crystal, Densmore, Michael King, Wayne King, Lougee, Ezra Mann, Rounds, Scanlan, Stewart, Wadsworth and Weymouth.

HILLSBOROUGH: Ahern, Alukonis, Baker, Baldizar, Bass, Bourque, Bowers, Burkush, A. Leslie Burns, Cid, Cote, Cowenhoven, Cusson, Daigle, Ann Derosier, Gerard Desrochers, William Dion, Domaingue, Dube, Dwyer, Dykstra, Frank, Ruth Gage, Gagnon, Genest, Scott Green, Betty Hall, Marian Harrington, Holden, Chris Jacobson, Michael Jones, Cornelius Keane, Donna Kelly, Korcoulis, Kurk, Lanzara, Long, Lown, Magee, Bonnie McCann, McGlynn, McRae, Messier, Moore, Morrisette, Mulligan, Robert Murphy, Nixon, O'Rourke, Packard, Pappas, Perham, Pignatelli, Prestipino, Price, Reardon, Reidy, Herbert Richardson, Ellen-Ann Robinson, Schneiderat, Shriver, Leonard Smith, Soucy, Steiner, Sullivan, Turgeon, Vanderlosk, Wagner, Winn, Wood, Zajdel and Zis.

MERRIMACK: Eleanor Anderson, Asplund, Austin, Beaton, Fillion, Fraser, Gross, Douglas Hall, Mary Holmes, Alf Jacobson, Kidder, Burton Knight, Lewis, Lockwood, Merton Mann, Millard, Pantzer, Provencal, Rehlander, Doris Riley, Walter Robinson, Stio, Trombly, Tupper, Wallner, West, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Benton, Blaisdell, Blanchard, Blanchette, Butler, Eunice Campbell, Marilyn Campbell, Conroy, Cressy, Cushing, Drake, Harry Flanders, Bert Ford, Gosselin, Elizabeth Greene, Haynes, Hoar, Hollingsworth, Hynes, Joyce, Phyllis Katsakiores, Lovejoy, Joseph MacDonald, Magoon, McGovern, Newell, Pantelakos, Parr, Pevear, Popov, Read, Ritzo, Sanderson, Schwaner, Scott, Seward, Sherburne, Skinner, Sytek, Tufts, Vaughn, Walker, Weddle and Wright.

STRAFFORD: Bernard, Callaghan, Casey, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Patricia Foss, Sandra Keans, Kincaid, Kinney, Koromilas, Lachance, Laurion, Lussier, Martling, William McCann, McManus, Musler, Francis Robinson, Spear, Ralph Torr, Wall and Wilson.

SULLIVAN: Behrens, Brodeur, Cutting, D'Amante, Lindblade, McKee, Normandin, Spaulding and Sara Townsend.

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BELKNAP: Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Holbrook, Locke and Wixson.



CARROLL: Russell Chase, Hounsell, McIntire and Saunders.

CHESHIRE: Clark, Jesse Davis, Delano, Grodin, Miller, Morse, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brungot, Coulombe, Frederic Foss, Guay, Horton and Marsh.

GRAFTON: Christy, Dearborn, Driscoll, Hammond, LaMott, McAvoy, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Barbara Arnold, Lionel Boucher, Champagne, Chretien, Cox, William Desrosiers, Paul Dionne, Donovan, Ducharme, Clyde Eaton, Joseph M. Eaton, Fields, Granger, Grip, Guilbert, Healy, Humphrey, Keefe, Robert Kelley, Alice Knight, Leclerc, Lefebvre, Levesque, Lozeau, Mason, Paquette, Pariseau, Routhier, Sallada, Stiles, Stonner, Tarpley, Ware, Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Laurent Boucher, James Chandler, Gilbreth, Hayes, C. William Johnson, Nichols and Phelps.

ROCKINGHAM: Gordon Arnold, Barnes, William Boucher, Bucu, Cooke, Ellyson, Felch, Fesh, Flanagan, John Flanders, Thomas Gage, Gourdeau, Robert Johnson, George Katsakiores, Roger King, Maurice MacDonald, Mace, Malcolm, William F. McCain, McKinney, Palumbo, Simon, Sochalski, Splaine, Tilton, Welch and Woodward.

STRAFFORD: Appleby, Bates, Edward Flynn, Frechette, Jean, Robert Jones, Swope, Ann Torr and John Young.

SULLIVAN: Domini, Flint, Ingram, Krueger, Peyron, Rodeschin and Schotanus, and the Governor's veto was sustained lacking the necessary two-thirds.

Reps. LaMott and Thomas Gage notified the Clerk that they inadvertently voted nay and meant to vote yea.

SENATE MESSAGE  
CONCURRENCE

HB 730, relative to the North Conway water precinct.

ENROLLED BILL REPORT

HB 730, relative to the North Conway water precinct.

Rep. Natalie S. Flanagan  
Sen. John P.H. Chandler, Jr.  
For the Committee.

GOVERNOR'S VETO MESSAGE ON HB 727

To the Honorable members of the General Court:

I have this day vetoed HB 727, an act relative to the right-to-know law.

In so doing, I must note, and in fact emphasize, that the bill's actual effect on the Governor and Council is not substantial in that any such measure could not limit or restrict the constitutionally mandated role of the Council, or the relationship between Governor and Council. However, I do feel that our various municipal and local boards and commissions will be significantly and adversely affected by the provisions within the measure, and it is for this reason that I have exercised my veto power.



The principal change that would have been produced by this legislation would be to prevent public bodies from meeting in executive session to deliberate and discuss many sensitive matters. Public bodies, such as our town boards and commissions, must be able to discuss and deliberate complex issues, including questions of long-range planning, zoning, or improved efficiency of government in a manner that facilitates a free exchange of ideas, and permits a change in positions or compromise, to develop consensus recommendations that best serve the interests of our communities and citizens.

I have been contacted by many local officials who feel that this measure will serve to confuse and frustrate those citizens on boards and commissions who are attempting to fulfill their civic responsibilities. I cannot support legislation which would undoubtedly result in having a chilling effect on New Hampshire's citizens volunteering to serve on those local municipal boards and commissions. Our local form of government depends on effective volunteer citizen participation.

This limitation on the rights of public officials to deliberate on sensitive matters, free from the pressure of special interest groups and others, is not supported by any evidence of abuses of the present statute. In fact, this provision of the bill was the subject of dispute before the House Judiciary Committee, and was opposed by legislators and municipal representatives, all of whom felt it was an unmerited amendment. Thus, I have vetoed HB 727.

It should be noted that a few days ago, before this Legislature, a distinguished member of the bar made a presentation which noted a historic reference to the value of permitting bodies to exchange ideas, and reconcile differences in private deliberations. He noted that James Madison, often called the "Father of the Constitution," and later the Fourth President of the United States, argued that privacy was often essential for government to work. The delegates to the Constitutional Convention of 1787 recognized this and agreed to keep their deliberations private. According to Madison, without such privacy the Constitution would never have been adopted.

Since its adoption in 1967, RSA 91-A has been both amended when required, and examined and interpreted on several occasions by our courts. Most recently, in 1986, the General Court enacted (and I signed) Chapter 83 which, among other provisions, provided for further access to public meetings and records, as well as strengthened the statute's provision for remedies. In reviewing HB 727, however, I find that the bill has tried to reword the basic sections of the statute in such a manner as to confuse the public, and its officials, and call into question interpretations that the courts have already rendered.

I would be remiss if I did not also state my reservations concerning this legislation that do not involve the substance of the measure itself, but the alleged method of its passage. Specifically, the recent news accounts of this bill are replete with alleged representations by supporters and/or sponsors of the measure who suggest that they have either hoodwinked fellow members of the General Court into allowing this bill to pass, or made us believe that they have confused the issue to the point where the respective legislative bodies did not realize what they were approving. Although I question whether these are accurate representations of what actually occurred, for a bill that is alleged to promote greater openness and access to government to become law under even the pretense of either of these conditions is unacceptable. I do not feel that this perception, however remote, should persist.

In conclusion, I believe that HB 727 unduly restricts the operation of local government and does not serve its stated purpose of clarifying existing laws. In signing revisions to this law in 1986, I did it because that legislation met the basic objective of improving access without any great reduction in the capacity of our public bodies to serve our citizens. This legislation does not meet that test.

John H. Sununu, Governor

Question being, shall HB 727 pass notwithstanding the Governor's veto.  
Reps. Buckley and Koromilas spoke in favor of the question.

Reps. Grodin and Ellen-Ann Robinson spoke against the question and yielded to questions.

Reps. Shriver, Lozeau, Alf Jacobson and Hollingworth spoke in favor of the question and yielded to questions.

Reps. Marian Harrington, Wixson and Sytek spoke against the question.

Rep. Flanders moved the previous question. Sufficiently seconded.  
Adopted.

YEAS 162 NAYS 187  
YEAS 162

BELKNAP: Bowler, Brown, Maviglio, Lawrence Richardson and Turner.

CHESHIRE: Blacketor, Cole, Daschbach, Daniel Eaton, Frink, Hunt, LaMar, Matson, Ramsay, William Riley and Schwartz.

COOS: Harold Burns, Coulombe, Guay, Kilbride, Lemire, Mayhew, Oleson and Theriault.

GRAFTON: Adams, Arnesen, Bean, Chambers, Crystal, Densmore, Driscoll, Michael King, Wayne King, Walter and Weymouth.

HILLSBOROUGH: Alukonis, Baker, Baldizar, Bourque, Burkush, A. Leslie Burns, Champagne, Chretien, Cid, Cote, Cusson, Ann Derosier, Gerard Desrochers, William Desrosiers, William Dion, Domainque, Donovan, Dube, Ducharme, Dwyer, Dykstra, Frank, Ruth Gage, Gagnon, Genest, Granger, Scott Green, Betty Hall, Chris Jacobson, Cornelius Keane, Donna Kelly, Korcoulis, Lanzara, Long, Lozeau, Bonnie McCann, McGlynn, Messier, Mulligan, Robert Murphy, Nixon, O'Rourke, Pappas, Pignatelli, Prestipino, Price, Reardon, Reidy, Herbert Richardson, Routhier, Shriver, Soucy, Sullivan, Tarpley, Turgeon, Wagner, Winn, Zajdel and Zis.

MERRIMACK: Asplund, Austin, Beaton, Cahill, Fillion, Fraser, Gilbreth, Douglas Hall, Alf Jacobson, Burton Knight, Lockwood, Merton Mann, Rehlander, Stio, Tupper, Wallner, Whittemore and Yeaton.

ROCKINGHAM: Carl Anderson, Blanchard, Blanchette, William Boucher, Butler, Conroy, Cressy, Cushing, Drake, Harry Flanders, Gourdeau, Hollingworth, Hynes, George Katsakiores, Phyllis Katsakiores, Lovejoy, Maurice MacDonald, McGovern, Newell, Palumbo, Pantelakos, Pevear, Popov, Read, Ritzo, Sanderson, Sherburne, Simon, Splaine, Vaughn, Weddle and Welch.

STRAFFORD: Bernard, Callaghan, Casey, Chamberlin, Anita Flynn, Edward Flynn, Sandra Keans, Kincaid, Koromilas, Lachance, Laurion, McManus, Pelley, Francis Robinson and Spear.

SULLIVAN: D'Amante, Normandin and Sara Townsend.

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BELKNAP: Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Locke, Pearson, Thurston and Wixson.

CARROLL: Allard, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Clark, Jesse Davis, Delano, Irvin Gordon, Grodin, Miller, Morse, Parker, Perry, Pierce, Sawyer and David Young.

COOS: Brungot, Frederic Foss, Horton, Marsh, Nelson and Purrington.

GRAFTON: Blair, Christy, Dearborn, Hammond, LaMott, Lougee, Ezra Mann, McAvoy, Scanlan, Stewart, Howard Townsend, Wadsworth, Ward and Whitcomb.

HILLSBOROUGH: Ahern, Ahrens, Barbara Arnold, Bass, Lionel Boucher, Bowers, Cowenhoven, Cox, Daigle, Paul Dionne, Clyde Eaton, Joseph M. Eaton, Fields, Grip, Guilbert, Marian Harrington, Healy, Holden, Humphrey, Michael Jones, Keefe, Robert Kelley, Alice Knight, Kurk, Leclerc, Lefebvre, Levesque, Lown, Magee, Mason, McRae, Moore, Morrisette, Packard, Paquette, Pariseau, Perham, Ellen-Ann Robinson, Sallada, Schneiderat, Leonard Smith, Steiner, Stiles, Vanderlosk, Ware, Watson, Emma Wheeler, Kenneth Wheeler and Wood.

MERRIMACK: Eleanor Anderson, Laurent Boucher, Gross, Hayes, Mary Holmes, C. William Johnson, Kidder, Lewis, Millard, Nichols, Pantzer, Phelps, Provencal, Doris Riley and West.

ROCKINGHAM: Gordon Arnold, Barnes, Benton, Blaisdell, Bucu, Eunice Campbell, Marilyn Campbell, Cooke, Ellyson, Felch, Fesh, Flanagan, John Flanders, Bert Ford, Thomas Gage, Gosselin, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Joyce, Roger King, Mace, Magoon, Malcolm, William F. McCain, McKinney, Parr, Schwaner, Scott, Seward, Skinner, Sochalski, Sytek, Tilton, Tufts, Walker, Woodward and Wright.

STRAFFORD: Appleby, Bates, Dingle, Albert Dionne, Patricia Foss, Frechette, Jean, Robert Jones, Kinney, Lussier, Martling, Swope, Ann Torr, Ralph Torr, Wall, Wilson and John Young.

SULLIVAN: Behrens, Brodeur, Cutting, Domini, Flint, Ingram, Krueger, Lindblade, McKee, Peyron, Rodeschin, Schotanus and Spaulding, and the Governor's veto was sustained lacking the necessary two-thirds vote to override the veto.

#### SENATE MESSAGE SUSTAINED GOVERNOR'S VETOES

SB 109, expanding the prohibition on possession of dangerous weapons by felons.

SB 183, relative to coverage for mental or nervous conditions.

HB 370, relative to employment opportunity.

Rep. Daschbach moved that HR 16, urging the United States Congress to permit the refund of public utility federal tax over collections, be removed from the table.

Motion lost.

Reps. Palumbo and Chambers move that any legislation not disposed of by any other motion in the first-year session, shall be by this motion Indefinitely Postponed for the remainder of the biennium.

HB 70, relative to prohibiting homosexuals from adopting, being foster parents, or running day care centers.

HB 451, relative to sterilization and abortion.

HB 643-FN, relative to compensation of jurors.

HR 16, urging the United States Congress to permit the refund of public utility federal tax over collections.

HR 19, relative to the employee lockout at the Simplex Wire and Cable Company in Newington.

SB 127, regulating abortions.

SB 201-FN, relative to boat speeds on public waters and making an appropriation therefor.

HB 65, restricting power boats on Lake Wicwas in the town of Meredith.  
HB 112, relative to sunset review of the board of chiropractic examiners.

HB 434, relative to the public employee labor relations board.

HB 704, relative to the safety of facilities gathering, transmitting, and distributing petroleum gas.

SB 85, establishing a special environmental court within the Manchester district court.

SB 192, relative to the membership of the legislative fiscal committee and the legislative budget assistant and making an appropriation therefor.

Adopted.

Under Chapter 227:17, SB 136, relative to joint and several liability, was referred to the Statutory Commission on Tort Law and Insurance Availability. (HB 513, Chapter 227, laws of 1986)

The Manchester Delegation offered the following:

HOUSE RESOLUTION NO. 47

memorializing former State Representative  
Richard E. Galway.

WHEREAS, we have learned with great sorrow of the death of former State Representative Richard E. Galway, who was a life-long resident of Manchester, and

WHEREAS, Richard E. Galway served two consecutive terms in the House of Representatives, sitting on the Transportation and the Regulated Revenues Committees during the bienniums of 1981-1982 and 1983-1984, and

WHEREAS, Richard E. Galway was an esteemed educator, having worked many years as a teacher at both Milford Area Senior High School and Manchester Memorial High School, as well as serving as an adviser to the United States Department of Education at Pease Air Force Base, and

WHEREAS, Richard E. Galway was a 1936 graduate of the University of New Hampshire and chose to live and work his entire life in the Granite State, and

WHEREAS, Richard E. Galway was a veteran of World War II and retired from the New Hampshire National Guard as a Lieutenant Colonel after thirty years of service, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Richard E. Galway be praised and publicly lauded for his legislative record and service to his state and country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Scamman, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 48

memorializing former State Representative  
Kathleen A. Degnan of Concord.

WHEREAS, we have learned with great sorrow of the death of former State Representative Kathleen A. Degnan, who between 1981 and 1984 served two consecutive terms in the New Hampshire House, and

WHEREAS, during her tenure as a servant of her Ward 4 constituents in Concord, Kathleen A. Degnan was a hard-working member of the Standing Committees on State Institutions and Public Works, and

WHEREAS, having been a lifelong resident of Concord, Kathleen A. Degnan was a devoted educator who spent many years as a fifth grade teacher at the Kimball School in Concord, and

WHEREAS, Kathleen A. Degnan was an active volunteer with the Concord Hospital Associates and at New Hampshire Hospital in Concord, and

WHEREAS, Kathleen A. Degnan was a member of the New Hampshire Order of Women Legislators and a member of the Merrimack Valley Retired Teachers Association, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Kathleen A. Degnan be given highest praise and recognition for her legislative accomplishments and for her service to the City of Concord as a teacher, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to her family, and that a suitable copy of this Resolution be prepared for presentation to her family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Scamman, for the entire membership, offered the following:

#### HOUSE RESOLUTION NO. 49

memorializing former State Representative  
Grant J. Berkey of Rochester.

WHEREAS, we have learned with great sorrow of the death of former State Representative Grant J. Berkey who twice was elected to a seat in the New Hampshire House, and

WHEREAS, during his first term which was the biennium of 1969-1970, Grant J. Berkey served as a diligent and respected member of the Standing Committee on Constitutional Revision, and

WHEREAS, during his second term which was the biennium of 1985-1986, Grant J. Berkey served with distinction as an esteemed member of the Standing Committee on Public Works, and

WHEREAS, having been a civil-minded resident of Rochester, Grant J. Berkey served the community as a member of the City Council and as a member of the City Planning Board, and

WHEREAS, having been born in Hooversville, Pennsylvania, Grant J. Berkey chose to settle in New Hampshire, to live, work and contribute to the betterment of the State, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Grant J. Berkey be publicly recognized and accorded highest praise for his legislative record and community services, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Scamman and Sen. Bartlett offered the following:

#### HOUSE CONCURRENT RESOLUTION

honoring John T. Flanders of Concord  
on his retirement.

WHEREAS, a gentleman is defined as one of gentle and refined manner; a well-bred man of character and fine feelings, and



WHEREAS, in the collective opinion of his family, his friends and his colleagues, John T. Flanders, affectionately known to all as Jack, is a man who epitomizes that definition, and

WHEREAS, being a native of Concord, New Hampshire, Jack Flanders, in 1949 after graduating from the University of New Hampshire with a bachelor's degree in mathematics, chose to remain in the Granite State, to live and to work, and

WHEREAS, in January 1950, Jack Flanders began his outstanding work career with the State of New Hampshire, faithfully and dependably, for more than thirty-seven years, discharging all of the duties entrusted to him, and

WHEREAS, throughout his thirty-seven years of devoted service to the State, Jack Flanders filled numerous positions of high responsibility, including Assistant to the State Tax Commissioner, Comptroller with the Department of Administration and Control, Assistant Commissioner and Associate Commissioner with the Department of Public Works and Highways, and most recently, the Commissioner of Resources and Economic Development, and

WHEREAS, during his exemplary career, Jack Flanders earned the affection, admiration, trust and respect of all who know him as an honorable and distinguished public servant, now therefore be it

RESOLVED, by the House of Representatives, with the Senate concurring, that John T. Flanders, on this occasion of his retirement from State service, be publicly recognized and saluted for his thirty-seven years of commitment to New Hampshire, and be it further

RESOLVED, that John T. Flanders be granted the very best wishes for an enjoyable and comfortable retirement which begins May 30, 1987, and that a suitable copy of this Resolution be prepared for presentation to him.

Unanimously adopted.

Rep. Purrington offered the following:

#### HOUSE RESOLUTION NO. 50

honoring Angela Hall of Colebrook as 1987  
New Hampshire Spelling Champion.

WHEREAS, on April 12, thirteen-year-old Angela Hall, an eighth-grade student at Colebrook Elementary School, was crowned New Hampshire's 1987 Spelling Champion, and

WHEREAS, by virtue of winning the prestigious title, Angela Hall earned the right to represent New Hampshire at the National Spelling Bee the end of May in Washington, DC, and

WHEREAS, in order to win the annual championship, Angela Hall first had to win the Coos County Spelling Bee, and then compete against the fourteen other District Champions in the State Spelling Bee, and

WHEREAS, among the many difficult words Angela Hall had to spell correctly before being proclaimed the 1987 New Hampshire Champion were: Keratoplasty, Malocclusion, Modiste and Resorcinol, and

WHEREAS, Angela Hall has a distinguished record as a champion speller, having represented the Town of Errol at the 1984 Coos County Spelling Bee, and again in 1985 when she finished runner-up, and in 1986 when she represented Colebrook and won the Coos County title and finished third in the State, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Angela Hall be congratulated and applauded for her outstanding achievement, and be it further



RESOLVED, that Angela Hall be recognized for bringing honor to Colebrook Elementary School and to the State of New Hampshire, and that a suitable copy of this Resolution be prepared for presentation to her.

Unanimously adopted.

Rep. Maurice MacDonald, for the Derry Delegation, offered the following:

HOUSE RESOLUTION NO. 51

honoring the Greater Derry Jaycees.

WHEREAS, for the second consecutive year, the Greater Derry Jaycees have earned the distinction and high honor of being the number one Jaycee Chapter in New Hampshire, and

WHEREAS, the Greater Derry Jaycees, under President Brenda Keith, have been recognized throughout the year as an outstanding organization, having received numerous awards and accolades from the New Hampshire Jaycees, and

WHEREAS, the Greater Derry Jaycees, during the 1986-1987 term, tripled the Chapter's membership, and conducted more than one hundred projects, and

WHEREAS, the Greater Derry Jaycees continue to demonstrate strong leadership, with three Chapter members serving as Vice President of the New Hampshire Jaycees for the 1987-1988 term, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the Greater Derry Jaycees be recognized and saluted for their outstanding work in the community and the state, and be it further

RESOLVED, that the Greater Derry Jaycees be applauded for again being named the number one Chapter in the state, and that a suitable copy of this Resolution be prepared for presentation to the President of the Chapter.

Unanimously adopted.

SENATE MESSAGE

The Senate, having completed its work for the 1987 Session, has adjourned sine die.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it adjourn sine die.

Adopted.

LATE SESSION

Rep. Palumbo moved that the House adjourn sine die.

Adopted.

The House adjourned at 4:52 p.m.

Attest

Carl A. Peterson  
House Clerk

## BILLS RE-REFERRED TO COMMITTEE BY HOUSE

- HB 12, recodifying the workers' compensation law.
- HB 16, increasing the number of write-in votes required for a candidate to accept the nomination of a different party.
- HB 17, relative to building codes in municipalities.
- HB 41, providing that the condemnee shall have first option to purchase any property condemned by eminent domain, if said property is abandoned for any reason by condemnor.
- HB 58, relative to membership on planning boards.
- HB 82, relative to rate increases resulting from electric power produced by nuclear electric generating facility.
- HB 85, relative to constructing a bypass on route 111 from the town of Windham to the town of Salem and making an appropriation therefor.
- HB 203, relative to the premature shutdown and decommissioning costs of any nuclear electric facility in New Hampshire.
- HB 207, prohibiting the transfer of a permit to operate a solid or hazardous waste disposal site without a public hearing.
- HB 214, relative to penalties for violations of motor vehicle laws by minors.
- HB 219, establishing a shooting range in the state and making an appropriation therefor.
- HB 226, allowing the use of an historical weir for the taking of alewives.
- HB 237, limiting the civil liabilities of volunteers working on behalf of nonprofit organizations.
- HB 239, making the Portsmouth district court a full time court.
- HB 242, relative to the powers of the fish and game commission and the appointment of the executive director of the fish and game commission.
- HB 252, reducing the rate of the business profits tax to 7.95 percent.
- HB 267, relative to a moose season.
- HB 279, creating a board of examiners in ophthalmic dispensing.
- HB 285, relative to overtime work.
- HB 287, relative to kindergarten.
- HB 297, relative to the purchase of outstanding shares of stock of the Northern Railroad and making an appropriation therefor.
- HB 301, providing civil immunity from liability for volunteers serving as athletic coaches or sports officials for nonprofit associations.
- HB 310, relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor.
- HB 311, relative to the rehabilitation of the Westminster bridge on Routes 12 and 123 in the town of Walpole and making an appropriation therefor.
- HB 313, relative to resurfacing of Route 3-A and reconstruction of sections of Route 3-A in the towns of Hudson, Litchfield, and the city of Manchester and making an appropriation therefor.
- HB 324, establishing a state land use and development plan and making an appropriation therefor.
- HB 330, relative to an exception to the real estate transfer tax.
- HB 331, increasing the interest and dividends tax exemption.
- HB 337, establishing an education equalization fund.
- HB 340, establishing a child care facilities fund.
- HB 343, relative to the mooring of boats on the lakes and ponds in the state and making an appropriation therefor.
- HB 346, establishing a tax on illegal drugs and relative to criminal drug penalties.

- HB 351, establishing a special needs housing task force and making an appropriation therefor.
- HB 352, relative to the return of revenue to cities and towns.
- HB 353, relative to condominium conversions and assessing a condominium conversion tax.
- HB 358, relative to a special needs housing loan fund and making an appropriation therefor.
- HB 359, relative to medicaid rates in certified nursing homes and making an appropriation therefor.
- HB 365, relative to a motor vehicle excise tax system.
- HB 369, relative to the rate of the business profits tax.
- HB 374, permitting the operation of on-line video poker machines at certain facilities and making an appropriation therefor.
- HB 375, establishing incentives for day care centers.
- HB 381, relative to growth limitation.
- HB 388, relative to siting of low-level radioactive waste disposal facilities.
- HB 389, relative to postsecondary educational requirements for funeral directors.
- HB 390, relative to damages recoverable for non-economic loss in personal actions.
- HB 395, relative to horsepower of motors used on Glen Lake in the town of Goffstown.
- HB 401, relative to video tape depositions.
- HB 404, establishing a road pay-back fee system.
- HB 409, requiring a grace period on finance charges imposed on credit card purchases.
- HB 411, relative to DWI penalties and sentencing.
- HB 417, prohibiting discrimination against podiatrists.
- HB 424, relative to the fixing of public utility rates by the public utilities commission.
- HB 429, allowing the commissioner of corrections to delegate authority in his absence to the assistant commissioner.
- HB 430, relative to school employees upon district reorganization.
- HB 432, authorizing licensed practical nurses to administer medication to inmates of correctional institutions.
- HB 447, relative to the right to know law.
- HB 452, relative to a provisional drivers' licensing program for persons under 18.
- HB 461, relative to the corporate relations between electric power generators and distributors.
- HB 467, changing the cost-sharing formula for the Tilton and Northfield union school district.
- HB 472, relative to the siting of manufactured housing.
- HB 477, relative to tuition for regional vocational education.
- HB 478, relative to court-ordered counselling.
- HB 494, relative to the rights of tenants to receive cable television.
- HB 496, relative to the regulation and restoration of excavations which existed on or before August 24, 1979.
- HB 499, relative to return of recovered property.
- HB 502, delegating site plan review powers to special site review committees.
- HB 504, permitting a person to be the candidate of only one party.
- HB 505, relative to pharmacy patient profile records.
- HB 510, relative to blood alcohol testing in the event of a motor vehicle fatality.
- HB 519, relative to consumer motor vehicle warranties.

- HB 521, amending the New Hampshire life and health insurance guaranty association act.
- HB 523, relative to alternative energy purchased power recovery.
- HB 524, creating a baccalaureate education system trust.
- HB 527, relative to prompt payments by the state.
- HB 531, establishing a Portsmouth fire commission.
- HB 533, relative to eligibility for unemployment benefits.
- HB 537, relative to regulation of the practice of nursing.
- HB 539, relative to costs to be excluded from a public utility's rate base.
- HB 546, relative to the time for closing the polls in statewide elections.
- HB 549, enabling cities and towns to establish land banks.
- HB 551, relative to computer based public records.
- HB 553, providing health insurance to the indigent.
- HB 559, relative to drug testing of public employees.
- HB 560, authorizing municipalities to collect 13 months of taxes for each 12 month fiscal year.
- HB 564, authorizing any city or town to issue revenue bonds.
- HB 566, relative to the time for making property tax assessments.
- HB 569, relative to a long range capital improvement plan and integrated data system.
- HB 574, requiring all commercial and private boats to be under the federal boat numbering system.
- HB 577, relative to employee leaves of absence for reserve training and public service.
- HB 581, establishing minimum energy efficiency standards for appliances sold in the state.
- HB 585, requiring emissions control inspections of motor vehicles.
- HB 587, relative to possession of marijuana.
- HB 592, relative to facilities licensed under RSA 151.
- HB 594, establishing a victims' assistance program and a victims' assistance fund.
- HB 602, allowing a limited privilege driver's license to be issued after certain DWI license revocations.
- HB 606, relative to lock-up of children.
- HB 611, relative to administrative forfeiture of certain items used in connection with drug offenses.
- HB 614, relative to insurers' reporting requirements and a consumer advocate.
- HB 615, creating a civil cause of action for unfair insurance trade practices.
- HB 616, limiting condominium conversions if vacancy rate is low.
- HB 617, establishing the affordable housing fund within the New Hampshire housing finance authority.
- HB 620, relative to workers' compensation.
- HB 621, relative to computation of wages for purposes of workers' compensation benefits.
- HB 622, relative to actions against fellow employees.
- HB 625, changing the method of valuation for pleasure boats for the boat permit fee.
- HB 627, to provide a loss carry forward under the business profits tax.
- HB 628, providing tax incentives for New Hampshire business organizations.
- HB 636, relative to solid waste management.
- HB 637, relative to base development at Mount Sunapee.
- HB 639, relative to certification of soil scientists.
- HB 642, relative to approved furloughs and special purpose furloughs for prisoners.
- HB 645, relative to school building aid.

- HB 648, relative to municipal hazardous waste disposal responsibilities and liabilities.
- HB 669, reducing the rate of the business profits tax.
- HB 672, relative to workers' compensation permanent impairment awards.
- HB 674, relative to accidental disability benefits for New Hampshire retirement system members.
- HB 678, relative to railroads.
- HB 680, prohibiting certain computer telephone calls to residences.
- HB 684, relative to benefits for part-time state employees.
- HB 685, deferring payments for assessments made for municipal betterments benefiting land classified as open space land.
- HB 688, allowing the Mascoma Valley regional school district to separate from school administrative unit 32.
- HB 705, relative to itinerant vendors.
- HB 711, relative to the probate courts.
- HB 715, relative to automobile depreciation for purposes of establishing insurance coverage fee rates.
- CACR 7, relating to the composition and compensation of the general Court. Providing that there be a unicameral legislature of 80 members and each member's salary shall be \$12,000.
- CACR 9, relating to limiting sweepstakes funds to educational purposes. Providing that all moneys received from any state-run lottery, and all the interest received thereon,, shall be used for educational purposes only.
- CACR 15, relating to a reapportionment commission and the size of the house and senate. Providing that there be a 10-member reapportionment commission which shall establish single member districts for the house and senate, congressional districts, and executive councilor districts; and that the house range in size from 200 to 400 members and the senate from 24 to 48 members.
- HBI 2007, to study the disparity between insurance allowances and health care costs.
- HBI 2012, developing a comprehensive, long-range, coordinated state energy plan.
- SB 2, mandating health insurance for alcoholism and drug dependency treatment.
- SB 132, relative to the appointment of the executive director of the department of fish and game.
- SB 147, relative to surety bonds.
- SB 170, relative to licensure of mental health professionals.
- SB 208, adopting uniform commercial code article 2A - leases.
- SB 224, relative to licensing estheticians.
- SB 237, relative to the controlled drug act.
- SB 238, relative to bail reform.
- SB 239, relative to electronic privacy.



STATUTORY APPOINTMENTS

HB 143 (Chapter 291:4, Laws of 1987) COMMITTEE TO STUDY ALL DIVISIONS AND OPERATIONS OF THE DEPARTMENT OF FISH AND GAME.

Reps. Lester R. Perham, Charles H. Felch and Romeo Theriault  
(appointed by the Speaker)  
Sens. Mark Hounsell, James St. Jean and Robert F. Preston  
(appointed by the President)  
Dr. James G. Paine, Vice Chairman, designee of the Chairman of  
Fish and Game Commission  
Allen F. Crabtree, Executive Director, Fish and Game Department  
1 member of NH Wildlife Federation appointed by the Governor and  
Council

HB 180 (Chapter 172, Laws of 1987) STUDY COMMITTEE TO EXAMINE THE PUBLICATION AND DISTRIBUTION OF SESSION LAWS.

Sen. Mary Nelson (appointed by the President)  
Rep. James D. Phelps (appointed by the Speaker)  
Assistant Attorney General Douglas N. Jones, designee of State  
Attorney General  
Lynne M. Dennis, Director of Office of Legislative Services  
(alternate: Susan Marshall)  
Rep. Harold W. Burns, Chairman, (appointed by Chairman of  
Legislative Facilities)  
Constance T. Rinden, State Law Librarian  
Marjorie Colburn, New Boston, designee of House Sergeant-at-Arms

HB 224 (Chapter 382, Laws of 1987) COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING RESTAURANTS ALONG THE STATE'S TURNPIKE SYSTEM WHERE PERMISSIBLE.

Reps. Beaton Marsh, William R. Matson and Lorine Walter (appointed  
by Speaker)  
Sens. Franklin Torr and Roger C. Heath (appointed by President)  
Patrick W. Morris, designee of the Commissioner of Transportation  
Parker Ryan, Hampton (appointed by the Governor)

HB 244 (Chapter 101, Laws of 1987) STUDY COMMITTEE TO REVIEW EXISTING FIRE LAWS.

2 members appointed by the Governor (one from a small business,  
the other from a large business)  
Sen. Charles D. Bond, designee of the President  
Rep. Maurice Routhier, designee of the Speaker  
Chairman of NH Fire Standards and Training Commission of designee  
James D. Casey, Dover, designee of Chairman of NH Electricians'  
Board  
Chairman of NH Joint Board of Engineers, Architects, and Land  
Surveyors or designee who shall be a licensed architect  
Attorney Robert E. Dunn, designee of Attorney General  
1 Fire Chief from a city and 1 Fire Chief from a town, as  
designated by the President of NH Fire Chiefs' Association  
President of NH Electrical Contractors Association or designee  
Richard A. Hopley, Portsmouth, designee of President of NH  
Building Officials Association  
Presidents of NH Fire Prevention Society, Incorporated, and of the  
International Association of Arson Investigators, New Hampshire  
Chapter or their designees  
Arthur E. Barnes, III, Salem, designee of the President of the  
Professional Firefighters of New Hampshire  
William Toland, State Fire Marshal, Chairman



- HB 275** (Chapter 55, Laws of 1987) PUBLIC INVESTMENTS STUDY COMMITTEE  
 Rep. Eliot B. Ware (appointed by the Speaker)  
 Sen. Roger C. Heath (appointed by the President)  
 Terry L. Morton, Portsmouth and Ralph E. Brickett, Concord  
 (appointed by the Governor and Council)  
 1 person to be appointed by NH Government Finance Officers  
 Association  
 Gloria Kurisko, Salem and John P. Aubin, Lebanon (appointed by New  
 Hampshire Municipal Association)  
 Hoyt A. Haney, Executive Director of New Hampshire Municipal Bond  
 Bank  
 State Treasurer, who shall serve as Chairman
- HB 281** (Chapter 268, Laws of 1987) STUDY COMMITTEE ON TEACHER SHORTAGES  
 AND SALARIES.  
 Reps. William J. Hounsell, Donna C. Kelly and Jacquelyn Domaingue  
 (appointed by the Speaker)  
 Sens. George F. Disnard and William A. Johnson (appointed by the  
 President)  
 Nancy Baybutt, Concord (appointed by the Governor)  
 Marilyn Monahan, President, National Education Association - New  
 Hampshire  
 Dr. Gerald A. Daley, Dover (appointed by the president of New  
 Hampshire School Administrators Association)  
 Mary Brown, Manchester (alternate: Nils Larson, Bristol)  
 (appointed by the president of New Hampshire School Boards  
 Association)  
 Dr. Joanne Baker (appointed by Commissioner of Education)
- HB 300** (Chapter 400:18, Laws of 1987) INDIGENT DEFENDER PROGRAM STUDY  
 COMMITTEE.  
 Sen. Joseph Delahunty (appointed by the Chairman of Senate Finance  
 Committee)  
 Rep. Donna P. Sytek, Chairman (appointed by Appropriations  
 Chairman)  
 Sen. Jean T. White (appointed by President)  
 Rep. Dean Dexter (appointed by Speaker)  
 James D. O'Neill, III, Esq. (appointed by Governor)
- HB 300** (Chapter 400:19, Laws of 1987) LEGISLATIVE OVERSIGHT COMMITTEE ON  
 DATA PROCESSING  
 Sens. Edward C. Dupont, Jr. and George E. Freese (appointed by  
 President)  
 Reps. Caroline L. Gross and William H. Hatch (appointed by  
 Speaker)
- HB 300** (Chapter 400:24, Laws of 1987) ADVISORY COMMITTEE ON SCHOOL  
 BUILDING AID  
 Sens. Ralph D. Hough, Clesson J. Blaisdell and George F. Disnard  
 (appointed by President)  
 Reps. Dennis R. Bolduc, E. Jane Walker and Janet G. Wall  
 (appointed by Speaker)
- HB 309** (Chapter 258:4, Laws of 1987) STUDY COMMITTEE FOR STATE-OWNED SKI  
 OPERATIONS.  
 Sen. Edward C. Dupont, Jr. (appointed by the President)  
 Rep. Philip H. Weymouth (appointed by the Speaker)  
 1 member representing the ski industry appointed by the Governor  
 and Council  
 Wilbur F. LaPage, Director of Division of Parks, Department of  
 Resources and Economic Development  
 David Hartman, Concord, designee of the Director of Office of  
 State Planning

HB 355 (Chapter 402:28, Laws of 1987) COMMITTEE TO STUDY AND MONITOR ALL ASPECTS OF SERVICES PROVIDED TO CHILDREN THROUGH THE DIVISION FOR CHILDREN AND YOUTH SERVICES.  
Reps. Elizabeth Hager, Jeffrey C. Miller (appointed by Speaker)  
Reps. Jocelyn Champagne and George S. Lougee (appointed by Speaker)  
Sens. Elaine Krasker, Susan McLane, Eleanor P. Podlies and Charles D. Bond (appointed by President)

HB 367 (Chapter 315, Laws of 1987) COMMITTEE TO EXAMINE THE COOPERATIVE EXTENSION SERVICE.  
Howard C. Dickinson, Jr., Chairman, Resources, Recreation and Development  
Sen. Rhona M. Charbonneau, Chairman Development, Recreation and Environment  
Rep. Howard C. Townsend, designee of Appropriations Chairman  
Sen. Clesson J. Blaisdell, Chairman Senate Finance  
Rep. John L. Sherburne, Chairman, designee of Environment and Agriculture Chairman  
Rep. Janet G. Wall, designee of the Chairman of House Education  
Sen. George Dismard, Chairman Senate Education

HB 422 (Chapter 71:2, Laws of 1987) COMMITTEE TO STUDY THE LAWS PERTAINING TO THE ELDERLY.  
Sens. John P. H. Chandler, Eleanor Podlies and Elaine Krasker (appointed by the President)  
Reps. Joe B. Parks, Sara M. Townsend and Mary Holmes (appointed by the Speaker)  
Nancy Baybutt, Concord; May Casten, Derry; Howard Rath, Center Barnstead (1 to be appointed) (appointed by the Governor)  
Richard Chevretils, Chairman, Jean Bergman and Arthur Chicaderis (appointed by the Commissioner of Health and Human Services)

HB 435 (Chapter 319:1, Laws of 1987) COMMITTEE TO STUDY HEAD INJURIES.  
Rep. Peter J. Zis (appointed by the Speaker)  
Sen. Elaine Krasker (appointed by the President)  
1 member from the Governor's Commission for the Handicapped  
Bruce A. Archambault, Director, Division of Vocational Rehabilitation  
Dr. William Burke, Center Ossipee; Eldon Munson, Greenfield; Jeremiah A. Donovan, Jr., Antrim (appointed by the Governor)  
Linda Radigan, Deputy Director, designee of the Director, Mental Health and Development Services) (alternate: Richard Lepore)  
2 public members one of whom shall be a primary consumer or a family member of a primary consumer appointed by the Governor

HB 435 (Chapter 319:5, Laws of 1987) HEALTH INSURANCE FUND ADVISORY COUNCIL.  
6 members appointed by the Governor (5 such members shall be from the general public and one shall represent business and industry [Governor shall designate one such member to be Chairman of the Health Insurance Fund Advisory Council])  
Robert C. Warren, Jr., designee of the Commissioner of Insurance  
Leslie Melby, designee of the Commissioner of Health and Human Services  
Rep. C. Dana Christy (appointed by the Speaker)  
Sen. Sheila Roberge (appointed by the President)

- HB 497** (Chapter 110, Laws of 1987) COMMITTEE TO REVIEW AND STUDY GRANTING MUNICIPALITIES THE OPTION OF SETTING THEIR OWN TAX RATES.  
 2 members appointed by the Governor and Council (1 shall be designated by the Governor as Chairman)  
 James R. Howard, Concord and Marian Harrington, Hancock (appointed by New Hampshire Municipal Association)  
 Clair Snyder, Somersworth and Althea Froburg, Berlin (appointed by New Hampshire Association of School Boards)  
 Rodney E. Tenney, Concord (appointed by New Hampshire Association of Counties)  
 Georgie A. Thomas, State Treasurer  
 Barbara Reid, designee of Commissioner, Department of Revenue Administration  
 John D. Stevens, Center Conway (appointed by New Hampshire Tax Collectors' Association)  
 Michael Hathaway, Concord (appointed by New Hampshire Assessors' Association)  
 Reps. George M. West and Garret P. Cowenhoven (appointed by the Speaker)  
 Sens. Barbara Pressly and Rhona M. Charbonneau (appointed by the President)
- HB 545** (Chapter 113, Laws of 1987) ADVISORY TASK FORCE ON HOMELESSNESS.  
 Reps. Mark E. Manus and Nancy Tarpley (appointed by the Speaker)  
 Sens. Susan McLane and Eleanor P. Podles (appointed by the President)  
 Linda Radigan, designee of Commissioner of Health and Human Services, Department of Health and Human Services  
 1 member from business and industry appointed by the Governor and Council  
 1 member of the religious community appointed by Governor and Council
- HB 589** (Chapter 325:5, Laws of 1987) COMMITTEE TO REVIEW EXISTING ELDERLY, EXPANDED ELDERLY, AND ADJUSTED ELDERLY PROPERTY TAX EXEMPTIONS.  
 Reps. Ezra B. Mann, II, David M. Perry and Kurt A. Normandin (appointed by the Speaker)  
 Sens. Barbara Pressly, William A. Johnson and Rhona M. Charbonneau (appointed by the President)
- HB 641** (Chapter 404:29, Laws of 1987) COMMITTEE TO REVIEW ISSUANCE OF SPECIAL LICENSE PLATES, DECALS, CARDS, AND TAGS TO PERSONS WITH WALKING DISABILITIES AS PROVIDED UNDER RSA 261:88.  
 Reps. William P. Boucher, Lawrence A. Chase and George N. Katsakiores (appointed by Speaker)  
 Sens. Robert F. Preston, William A. Johnson and Mary Nelson (appointed by President)  
 Douglas Patch, Deputy Commissioner, designee of the Commissioner of Safety
- HB 670** (Chapter 82, Laws of 1987) COMMITTEE TO STUDY MATTERS RELATIVE TO BIOMASS ENERGY FACILITIES.  
 John E. Sargent, Chairman, designee of State Forester  
 Dennis D. McKenney, Division Chairman of Granite State Chapter of Society of American Foresters  
 Karl Scott, Berlin, New Hampshire Timberland Owners Association  
 Robert Berti, Rumney and Fred Bickford, Tamworth (appointed by the State Forester)  
 Malcolm Liston, Concord (appointed by the Speaker)  
 Malcolm Washburn (appointed by the President)

- HB 692 (Chapter 414, Laws of 1987) INVOLUNTARY TREATMENT TASK FORCE TO STUDY INVOLUNTARY TREATMENT OF PERSONS IN THE CURRENT MENTAL HEALTH SERVICES SYSTEM.  
Reps. Elizabeth Hager and Matthew M. Sochalski (appointed by Speaker)  
Sens. Jean T. White and Sheila Roberge (appointed by President)  
Donald Shumway, Director, Mental Health and Developmental Services  
1 representative of New Hampshire Psychiatric Society  
1 representative of New Hampshire Bar Association  
1 representative from a legal advocacy organization  
1 representative from a consumer advocacy organization  
1 representative from New Hampshire chapter of Alliance for the Mentally Ill  
1 representative from a community mental health center  
1 member appointed by the Governor  
1 psychiatric nurse  
Above eight (8) appointed by Governor
- HB 693 (Chapter 335:8, Laws of 1987) RETIREMENT SYSTEM GROUP II STUDY COMMITTEE  
House Executive Departments and Administration
- HB 699 (Chapter 19, Laws of 1987) TASK FORCE TO STUDY SUPPORT SERVICES FOR FAMILIES WHO HAVE A DEVELOPMENTALLY IMPAIRED CHILD.  
Effie Malley, Portsmouth (appointed by the Governor)  
Rep. Frank A. Tupper (appointed by the Speaker)  
Sen. Charles D. Bond (appointed by the President)  
Cory Pierson, Bow and Kathy Mandeville, Bedford (appointed by the Governor)  
Donald L. Shumway, Director, Mental Health and Developmental Services  
Dr. Carl Cooley, Newport (appointed by the Governor)  
Sandra Pelletier, Merrimack (appointed by the Director, Division of Mental Health and Developmental Services)  
Robert T. Kennedy, Director of the Bureau for Special Education Services
- SB 6 (Chapter 369, Laws of 1987) COMMITTEE TO REVIEW THE NEEDS OF THE DIVISION OF AIR RESOURCES FOR ADDITIONAL PERSONNEL AND EQUIPMENT.  
Sens. George Disnard, Chairman, Joseph Delahunty and Robert A. Stephen (appointed by President)  
Reps. Elizabeth A. Greene, Elizabeth S. Millard and Mary J. Shriver (appointed by Speaker)  
Dennis R. Lunderville, Director, Division of Air Resources, Department of Environmental Services
- SB 10 (Chapter 341:3, Laws of 1987) COMMITTEE TO REVIEW FUNDING MECHANISM OF STATE CLEAN WATER POLLUTION CONTROL REVOLVING LOAN FUND AND FEDERAL CHANGES IN THE CLEAN WATER ACT.  
Sens. Franklin Torr, James St. Jean and Eleanor P. Podles (appointed by Chairman of Senate Finance)  
Reps. Paul I. LaMott, Robert G. Holbrook and Robert A. Johnson (appointed by Chairman of Appropriations)
- SB 11 (Chapter 346, Laws of 1987) TASK FORCE TO STUDY RESIDENCY REQUIREMENTS FOR HIRING OF CERTAIN UNCLASSIFIED STATE EMPLOYEES.  
Reps. Robert S. Hawkins, Kenneth J. MacDonald, Phyllis M. Katsakiores and Janet R. Pelley (appointed by Speaker)  
Sens. Edward C. Dupont, Jr., Joseph Delahunty and Barbara Pressly (appointed by President)

- SB 91 (Chapter 264, Laws of 1987) COMMITTEE TO EVALUATE THE FOUNDATION AID FORMULA.  
 Sen. George Disnard (appointed by the President)  
 Rep. William J. Hounsell (appointed by the Speaker)  
 3 persons from public sector appointed by the Governor  
 Bruce Ryan (appointed by the Commissioner of Education)  
 Ellen-Ann Robinson, Litchfield (alternate: Linda Theroux, Merrimack) (appointed by New Hampshire School Boards Association)  
 Peter Dolloff, Hudson, Chairman (appointed by New Hampshire School Administrators Association)  
 Marilyn Monahan, President, National Education Association of New Hampshire  
 1 person appointed by American Federation of Teachers  
 1 person appointed by New Hampshire Association of School Principals
- SB 97 (Chapter 128, Laws of 1987) STUDY COMMITTEE RELATIVE TO THE FEASIBILITY OF ONE-WAY TOLLS ON PART OF THE TURNPIKE SYSTEM.  
 Sens. Mary Nelson and Franklin Torr (appointed by the President)  
 Reps. Ralph W. Pearson and Peter J. Stio (appointed by the Speaker)  
 Richard L. Proulx, Durham; Col. Chris Jacobson, Nashua (appointed by the Governor and Council)  
 Wallace E. Stickney, Commissioner of Transportation (alternate: Paul A. Laflam)
- SB 99 (Chapter 211, Laws of 1987) STUDY COMMITTEE TO DETERMINE WHETHER THE DEPARTMENT OF TRANSPORTATION HAS FULLY IMPLEMENTED THE LEGISLATIVE DIRECTIVES OF THE GENERAL COURT.  
 Sens. Franklin Torr, John P.H. Chandler and Robert F. Preston (appointed by the President)  
 Reps. Vincent J. Palumbo, Beverly A. Gage and Chris Jacobson (appointed by the Speaker)  
 Paul Worsowicz, John J. Watterson, and Gary Mongeon (appointed by the President)  
 Robert A. Raiche, Lee Yeaton and Paul LaDuke (appointed by the Speaker)  
 3 members of the general public appointed by the Governor and Council
- SB 134 (Chapter 360, Laws of 1987) ENVIRONMENTAL RISK INSURANCE FUND STUDY COMMISSION  
 2 public members appointed by Governor  
 Sens. Joseph Delahunty and Sheila Roberge (appointed by President)  
 Reps. Patricia H. Foss and David B. Wright (appointed by Speaker)  
 Reynold Perry, Dover and Richard Hodgkinson, Londonderry (appointed by New Hampshire Municipal Association)  
 Kevin C. Devine, Esq. (appointed by Business and Industry Association)  
 Louis E. Bergeron, Chairman, Commissioner of Insurance  
 Stanley Arnold, designee of Commissioner of Revenue Administration  
 Kevin A. Clougherty, Deputy State Treasurer, designee of the State Treasurer  
 1 member appointed by New Hampshire Association of Commerce and Industry  
 Gregory E. Smith, Esq., Manchester (appointed by the New Hampshire Bar Association)



SB 143 (Chapter 52:2, Laws of 1987) ADVISORY COMMITTEE ON HOUSING GROWTH AND PLANNING.  
 Rep. Janet M. Conroy (appointed by the Speaker)  
 Rep. Richard A. Grodin (appointed by the Speaker)  
 Sens. George E. Freese and Robert F. Preston (appointed by the President)  
 Kenneth G. Lurvey, Concord (appointed by New Hampshire Municipal Association)  
 Stephen Lewis, Concord (appointed by Home Builders' Association of New Hampshire)  
 William Bigelow, appointed by Business and Industry Association of New Hampshire  
 John Dabuliewicz, Director of Office of State Planning  
 Brian Gottlob, designee of the Director of Economic Development Division, Department of Resources and Economic Development  
 Kenneth Jordan, Concord (appointed by New Hampshire Association of Realtors)  
 Stephen D. Blackmer, Concord (appointed by Society for Protection of New Hampshire Forests)  
 Marjory M. Swope, Concord (appointed by New Hampshire Association of Conservation Commissions)  
 Olive W. Nelson, Jackson (appointed by the Governor)  
 Milton Meyers (appointed by the Governor)

SB 153 (Chapter 374, Laws of 1987) STATE ELECTRICAL ENERGY NEEDS PLANNING COMMITTEE.  
 Reps. Vincent J. Palumbo, Frederic A. Foss, Douglas E. Hall and Richard J. Daschbach (appointed by Speaker)  
 Sens. Clesson J. Blaisdell, Edward C. Dupont, George E. Freese and Eleanor P. Podles (appointed by President)  
 Ex officio members:  
 Vincent J. Iacopino, Chairman, Public Utilities Commission  
 Consumer Advocate or designee  
 Dennis A. Hebert, Director, Governor's Energy Office  
 2 representatives of electric utilities of state appointed by Governor and Council  
 2 representatives of owners and operators of alternative electric energy producers of the state appointed by Governor and Council  
 2 members of organizations representing environmental and conservation interests of the state appointed by Governor and Council  
 1 representative of business and commercial sector appointed by Governor and Council  
 Ex officio members from within or without the state, as requested by at least 5 of the voting members listed under paragraph I, who shall be recognized experts in various fields of electrical energy production, planning, finance or conservation

SB 174 (Chapter 375, Laws of 1987) COMMITTEE TO STUDY LEVEL OF BENEFITS FOR GROUP I MEMBERS OF THE NEW HAMPSHIRE RETIREMENT SYSTEM AND RELATIONSHIP OF SUCH BENEFIT LEVEL TO THE SOCIAL SECURITY SYSTEM'S BENEFITS  
 Sens. Edward C. Dupont, Joseph Delahunty and Clesson J. Blaisdell (appointed by President)  
 Sen. George E. Freese (appointed by President)  
 Reps. Robert S. Hawkins, Richard H. Campbell, Jr. and David M. LaMar (appointed by Speaker)  
 Rep. John B. Hammond (appointed by Speaker)



SB 197 (Chapter 392, Laws of 1987) TASK FORCE TO STUDY REGISTRATION, CERTIFICATION, OR LICENSING OF VARIOUS BUILDING SERVICES TRADES  
 Reps. William F. McCain, Nancy M. Ford, James R. Rosencrantz and Ann M. Torr (appointed by Speaker)  
 Sens. Edward C. Dupont, Joseph Delahunty and Robert A. Stephen (appointed by President)

SB 211 (Chapter 377:14, Laws of 1987) COMMITTEE TO EXAMINE FINANCING MECHANISMS FOR AN UNDERGROUND STORAGE TANK REPLACEMENT REVOLVING LOAN FUND  
 Reps. Charles L. Vaughn and Barbara B. Bowler (appointed by Speaker)  
 Sens. Mark Hounsell, Chairman and James R. St. Jean (appointed by President)  
 3 members representing the oil industry in the state, one of whom shall represent the independent gasoline dealers, to be appointed by the Governor  
 Kevin A. Clougherty, Chief Deputy State Treasurer, designee of the State Treasurer  
 Russell A. Nylander, designee of Commissioner of Environmental Services  
 Dennis A. Hebert, Director, Governor's Energy Office  
 David E. Kearns, designee of Commissioner of Insurance

RSA 14:30-a FISCAL COMMITTEE (amended: SB 34, Chapter 416:7, Laws of 1987)

Rep. William F. Kidder, Chairman of Appropriations  
 Reps. Paul I. LaMott and William R. Matson (appointed by Appropriations Chairman)  
 Reps. Elizabeth Hager and Howard C. Townsend (appointed by Speaker)  
 Sen. Clesson J. Blaisdell, Vice Chairman of Senate Finance  
 Sens. Franklin C. Torr and Ralph Degnan Hough (appointed by Finance Chairman)  
 Sens. Edward C. Dupont and James R. St. Jean (appointed by President)

RSA 15-B:8 COMMITTEE ON IMPLEMENTATION FINANCIAL DISCLOSURE

Reps. Richard A. Grodin, Roland A. Sallada, Marian R. Harrington and Edward Densmore  
 Sens. Charles D. Bond, Sheila Roberge, Jean T. White and James R. St. Jean

RSA 17-C JOINT COMMITTEE ON LEGISLATOR ORIENTATION

Rep. W. Douglas Scamman, Jr., Speaker of the House  
 Sen. William S. Bartlett, Jr., President of the Senate  
 Reps. Beverly A. Gage, Elizabeth Hager and Margaret A. Ramsay  
 Sens. Edward C. Dupont and Robert F. Preston  
 Carl A. Peterson, House Clerk  
 Wilmont S. White, Senate Clerk  
 Lynne C. Dennis, Director of Legislative Services

RSA 17-E:2 JOINT COMMITTEE ON LEGISLATIVE FACILITIES

Rep. W. Douglas Scamman, Jr., Speaker of the House, Chairman  
 Sen. William S. Bartlett, Jr., President of the Senate, Vice Chairman  
 Rep. Vincent J. Palumbo, Jr., Majority Leader  
 Rep. Mary P. Chambers, Minority Leader  
 Rep. William F. Kidder, Appropriations Chairman  
 Sen. Edward C. Dupont, Jr., Majority Leader

Sen. Robert F. Preston, Minority Leader  
 Sen. Clesson J. Blaisdell, Finance Chairman  
 Reps. Harold W. Burns and Kathleen W. Ward (appointed by the Speaker)  
 Sens. Eleanor P. Podles and Ralph Degnan Hough (appointed by the President)

RSA 17-H JOINT COMMITTEE ON ELDERLY AFFAIRS

Reps. Joe B. Parks, Chairman, Mary C. Holmes and Edna Pearl F. Parr (appointed by the Speaker)  
 Sens. John P. H. Chandler and Eleanor P. Podles (appointed by the President)

RSA 17-I JOINT LEGISLATIVE HISTORICAL COMMITTEE

Rep. W. Douglas Scamman, Jr., Speaker of the House  
 Sen. William S. Bartlett, Jr., President of the Senate  
 Reps. Roland A. Sallada, Vincent J. Palumbo, Jr., and Mary P. Chambers (appointed by the Speaker)  
 Sens. Edward C. Dupont, Jr., Robert F. Preston and Roger C. Heath (appointed by the President)

RSA 17-J CAPITAL BUDGET OVERVIEW COMMITTEE

Reps. Ralph W. Pearson, James C. Chamberlin, William J. Driscoll, Paul I. LaMott, William R. Matson and John B. Hammond (appointed by the Speaker)  
 Sens. Franklin G. Torr, John P. H. Chandler, Jean T. White and Mary S. Nelson (appointed by the President)

RSA 17-L JOINT COMMITTEE ON IMPLEMENTATION OF REORGANIZATION

Sen. William S. Bartlett, Jr., President of the Senate  
 Reps. Robert S. Hawkins, William F. McCain, Wayne D. King, Edward Densmore and Beverly A. Gage (appointed by the Speaker)  
 Sens. Joseph Delahunty, George E. Freese, Robert F. Preston and Clesson J. Blaisdell (appointed by the President)

RSA 17-M LONG RANGE CAPITAL PLANNING AND UTILIZATION

Reps. Vincent J. Palumbo, Jr., Beaton Marsh, Robert G. Holbrook and William R. Matson (appointed by the Speaker)  
 Sens. Franklin G. Torr, Mark Hounsell, Susan McLane and Robert A. Stephen (appointed by the President)

RSA 17-N:1 LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT

(See: SB 34, Chapter 416:12, Laws of 1987)  
 Reps. Vincent J. Palumbo, Beverly A. Gage and Robert N. Kelley (appointed by Speaker)  
 Reps. Margaret A. Ramsay and Edward Densmore (appointed by House Minority Leader)  
 Sens. George E. Freese, Chairman, Jean T. White and Sheila Roberge (appointed by President)  
 Sens. Mary Nelson and James St. Jean (appointed by Senate Minority Leader)

RSA 19:2 INTERSTATE COOPERATION COMMISSION

Reps. Vincent J. Palumbo, Jr., Beverly A. Gage and Emma B. Wheeler (appointed by the Speaker)  
 Sens. Jean T. White, John P. H. Chandler and Charles D. Bond (appointed by the President)

RSA 79-A:3 CURRENT USE ADVISORY BOARD

Rep. Frank E. McIntire (appointed by the Speaker)  
 Sen. Rhona M. Charbonneau (appointed by the President)

RSA 107:5 CIVIL DEFENSE ADVISORY COUNCIL

Rep. Richardson D. Benton (appointed by the Speaker)  
 Sen. William A. Johnson (appointed by the President)

RSA 107-C:6 EMERGENCY MANAGEMENT ADVISORY COUNCIL (See: HB 37, Chapter 162, Laws of 1987)

Rep. W. Douglas Scamman, Jr., Speaker of the House  
 Sen. William S. Bartlett, Jr., President of the Senate

RSA 110-B:62 NATIONAL GUARD SCHOLARSHIP FUND

Rep. David A. Welch (appointed by the Speaker)  
 Sen. George F. Disnard (appointed by the President)

RSA 125-E NORTHERN NEW ENGLAND LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT

Rep. Ednapearl F. Parr (appointed by the Speaker)  
 Sen. Charles D. Bond (appointed by the President)

RSA 125-G:4 NUCLEAR WASTE POLICY ADVISORY COMMITTEE

Rep. Robert B. Holmes (appointed by the Speaker)  
 Sen. Edward C. Dupont (appointed by the President)  
 M. Arnold Wight, Amherst (appointed by the Speaker)  
 James H. Moore, Weirs Beach (appointed by the President)  
 Stephen M. Kennedy, Chief Donald Bliss, Robert Rivard and John Dabuliewicz (appointed by the Governor)  
 Dr. William Wallace, Director of State Radiation Control Agency  
 Eugene R. Beaudette, State Geologist

RSA 126-A:8 HEALTH AND WELFARE OVERSIGHT COMMITTEE

Reps. Matthew M. Sochalski, Gertrude I. Butler, Robert F. Wilson,  
 Marion L. Copenhaver and Gladys M. Cox (appointed by the Speaker)  
 Sens. Elaine S. Krasker, Susan McLane, Charles D. Bond, Jean T.  
 White and Eleanor P. Podles (appointed by the President)

RSA 149-B:12 STATE WATER POLLUTION CONTROL REVOLVING LOAN FUND COMMITTEE (See: SB 10, Chapter 341:1, Laws of 1987)

Governor or his designee  
 George A. Mollineaux, Assistant Commissioner, designee of the  
 Commissioner, Environmental Services  
 Georgie A. Thomas, State Treasurer  
 1 Executive Councilor appointed by Governor  
 Sen. Franklin Torr, Chairman, Senate Budget Committee  
 Rep. Howard C. Dickinson, Chairman House Resources, Recreation and  
 Development  
 Rep. Charles H. Dingle (appointed by Speaker)  
 Sen. Mark Hounsell (appointed by President)

RSA 149-H:1 HAZARDOUS MATERIAL TRANSPORTATION ADVISORY BOARD

Rep. Elizabeth A. Greene (appointed by the Speaker)  
 Sen. Rhona M. Charbonneau (appointed by the President)

RSA 169-C:39-d NEW HAMPSHIRE CHILD ABUSE TRUST FUND BOARD

Rep. Mary Jane Wallner (appointed by the Speaker)  
 Sen. Eleanor P. Podles (appointed by the President)

RSA 170-E:23 COMMITTEE ON FOSTER FAMILIES (HB 355, Chapter 402:42, Laws of 1987)

Reps. Mary Jane Wallner and Robert L. Jones (appointed by Chairman  
 of Children, Youth and Elderly Affairs)  
 Reps. Ellen-Ann Robinson and Patricia O. Sanderson (appointed by  
 Chairman of Appropriations)

Sens. Eleanor Podles, Elaine Krasker, Susan McLane and Charles D. Bond (appointed by President)  
David A. Bundy, Chairman, Director, Division for Children and Youth Services

RSA 172-A:4 HALFWAY HOUSE ADVISORY COMMISSION

Reps. Robert A. Lockwood, Ralph Parker and Deborah L. Arnesen (appointed by the Speaker)  
Sen. Robert A. Stephen (appointed by the President)

RSA 187-A:26a UNIVERSITY SYSTEM STUDY COMMITTEE

Reps. Arthur Tufts, William J. Hounsell, William A. Riley, Jeffrey C. Miller and Dennis R. Bolduc (appointed by the Speaker)  
Sens. Charles D. Bond, George F. Disnard and Ralph Degnan Hough (appointed by the President)

RSA 188-F:37 COMMITTEE TO EXAMINE THE GOALS, PURPOSES, ORGANIZATION AND FINANCING OF THE DEPARTMENT OF POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION (HB 661, Chapter 387, Laws of 1987)

Sens. George Disnard, Clesson J. Blaisdell and William A. Johnson (appointed by President)  
Reps. Arthur Tufts, Elizabeth Hager and Barbara E. Arnold (appointed by Speaker)

RSA 200-A:3 NEW ENGLAND BOARD OF HIGHER EDUCATION

Rep. Arthur Tufts (appointed by the Speaker)  
Sen. George F. Disnard (appointed by the President)

RSA 200-G:2 EDUCATION COMMISSION OF THE STATES

Rep. E. Jane Walker (appointed by the Speaker)  
Sen. George F. Disnard (appointed by the President)

RSA 201-A:24 AUTOMATED INFORMATION SYSTEMS BOARD

Rep. Raymond H. Gourdeau (appointed by the Speaker)  
Sen. Jean T. White (appointed by the President)

RSA 221-A:4 LAND CONSERVATION INVESTMENT PROGRAM BOARD OF DIRECTORS

(SB 1, Chapter 340, Laws of 1987)  
Sens. Clesson J. Blaisdell and Mark Hounsell (appointed by President)  
Reps. Harold W. Burns and Frederik Peyron (appointed by Speaker)  
2 public members with demonstrated interest in conservation, 1 of whom shall represent the interests of towns and cities and 1 representing business interests appointed by Governor and Council  
3 public members to be nominated by Trust for New Hampshire Lands, appointed by Governor and Council  
John Dabuliewicz, Director of Office of State Planning  
John R. Monson, Chairman of Fish and Game Commission  
Commissioner, Department of Resources and Economic Development  
Stephen H. Taylor, Commissioner, Department of Agriculture  
Alden H. Howard, Commissioner, Department of Environmental Services  
Georgie A. Thomas, State Treasurer

RSA 273-A:9,V JOINT COMMITTEE ON EMPLOYMENT RELATIONS

Rep. W. Douglas Scamman, Jr., Speaker of the House  
Sen. William S. Bartlett, Jr., President of the Senatet  
Reps. Vincent J. Palumbo, Jr., Mary P. Chambers, William F. Kidder, Kathleen W. Ward, Avis B. Nichols and Patti Blanchette  
Sens. Edward C. Dupont, Robert F. Preston, Clesson J. Blaisdell, Sheila Roberge, Joseph L. Delahunty and George E. Freese

RSA 281:55 ADVISORY COUNCIL ON WORKERS' COMPENSATION

Rep. Maurice B. MacDonald (appointed by the Speaker)  
Sen. Rhona M. Charbonneau (appointed by the President)

RSA 482:74 LEGISLATIVE DAM MANAGEMENT REVIEW COMMITTEE

Reps. Howard C. Dickinson, Mary Ann Lewis, Charles H. Dingle and  
MaryAnn N. Blanchard (appointed by the Speaker)  
Sens. Mark Hounsell, Robert F. Preston, James R. St. Jean and  
George E. Freese (appointed by the President)

RSA 490:5-a COURT ACCREDITATION COMMISSION.(HB 264, Chapter 307, Laws of 1987)

2 laymen appointed by Supreme Court  
Rep. W. Kent Martling (appointed by the Speaker)  
Sen. Eleanor P. Podles (appointed by the President)  
1 lawyer of experience in the trial of cases at all court levels  
1 Justice of the Superior Court  
1 Justice of Supreme Court or a designee of the Supreme Court  
1 Justice of a Probate Court  
1 Justice of a District Court

RSA 541-A:11 JOINT COMMITTEE ON ADMINISTRATIVE RULES

Reps. Sara M. Townsend, Chairman, Ada L. Mace, Philip H. Weymouth,  
Marion L. Copenhaver and Margaret A. Ramsay (appointed by the  
Speaker)  
Sens. Rhona M. Charbonneau, Vice Chairman, Mark Hounsell, Clessen  
J. Blaisdell, Mary S. Nelson and Jean T. White (appointed by the  
President)

RSA 541-B:3 NEW HAMPSHIRE BOARD OF CLAIMS

Rep. Leo W. Fraser, Jr., (appointed by the Speaker)  
Sen. Charles D. Bond (appointed by the President)

## BILLS RE-REFERRED TO COMMITTEE BY SENATE

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- HB 240, relative to septic inspections on waterfront properties and relative to creating 3 new positions within the division of water supply and pollution control and making an appropriation therefor.
- HB 293, relative to foster homes and making an appropriation therefor and establishing a committee on foster families.
- HB 295, relative to the board of tax and land appeals.
- HB 354, relative to the Franklin-Laconia connector and making an appropriation therefor.
- HB 403, clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations.
- HB 436, relative to insurance coverage for home health care.
- HB 480, recodifying the county corrections laws.
- HB 532, allowing real estate firms or brokers to establish interest-bearing trust accounts.
- HB 561, relative to provision of water supplies to victims of water supply contamination, reimbursement of the oil pollution control fund, and licensing of oil transporters.
- HB 571, relative to the certification and financial management of life care facilities.
- HB 652, relative to wine importers, the delivery of wine, and a definition of "warehouse."
- HB 687, relative to eligibility for disability payments to injured workers.
- HB 697, relative to the definition of "wages" for workers' compensation purposes.
- HB 708, relative to excess electric generating capacity.
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## BILLS REFERRED FOR INTERIM STUDY BY SENATE

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- HB 398, relative to custody and support orders.
- HB 416, concerning the presumption of procedural compliance in the enactment of municipal legislation.
- HB 449, relative to disciplinary actions for sexual misconduct of psychotherapists and a duty to report sexual misconduct of psychotherapists.
- HB 709, relative to children's interagency dispute resolution.
- SB 33, relative to the language, phrasing, and explanation of ballot questions.
- SB 89, relative to electric utility rate increases.
- SB 96, relative to local control and regulation of granite quarry operations.
- SB 98, relative to the certificate of need program.
- SB 110, requiring the publication of certain opinions of the attorney general.
- SB 113, relative to legal services.
- SB 117, relative to the payment of employee wages.



- SB 120, granting immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities.
- SB 129, relative to the establishment of inclusionary zoning.
- SB 135, relative to limiting damages recoverable for non-economic loss.
- SB 150, relative to safety improvements to the Spaulding turnpike and making an appropriation therefor.
- SB 152, to modify the subdivision approval process.
- SB 154, relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor.
- SB 162, establishing the New Hampshire ski area commission.
- SB 164, relative to solid waste management contracts.
- SB 177, relative to campaign financing.
- SB 194, relative to carrying pistols and revolvers without a license.
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- SB 236, relative to the chief medical examiner and associate chief medical examiner.

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# RESIGNATIONS, DEATHS AND SPECIAL ELECTIONS

1231

## RESIGNATIONS, DEATHS AND SPECIAL ELECTIONS

### Resigned

### Deceased

02/13/87 Rock. 19

Romoli, Merino, Jr., r

### Special Elections:

#### District

#### Took Oath

400 State Representatives

R - 217 R&D - 49 266

D - 104 D&R - 29 133

Currently elected and qualified: 399

Vacancy due to: 1 death

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The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Approp	referred to Appropriations committee
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
enr	enrolled
ext	extension of time for hearing
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on table
nonconc	nonconcurrent
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
Ways and Means	referred to Ways and Means committee
wthd	withdrawn

## HOUSE BILLS

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- HB 11, relative to the number of library trustees. (Skinner of Rock. 21 - To Executive Departments and Administration)  
27, am 183, psd 212, S conc 871, enr 914 (Chapter 89)
- HB 12, recodifying the workers' compensation law. (Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)  
27, Com 169, 1213
- HB 13, to revive the charter of the Chocorua Chapel Association, a nonprofit organization. (Blair of Graf. 8 - To Executive Departments and Administration)  
27, psd 142, 156, S conc 871, enr 914 (Chapter 90)
- HB 14, relative to the time for closing the polls and announcing the results of statewide elections. (Rehlander of Mer. 8 - To Constitutional and Statutory Revision)  
27, K 109
- HB 15, relative to the placement of candidates' names on ballots. (K. Wheeler of Hil. 10 - To Constitutional and Statutory Revision)  
27, am 130, psd 136, nonconc S am 995-996
- HB 16, increasing the number of write-in votes required for a candidate to accept the nomination of a different party. (Lozeau of Hil. 25 - To Constitutional and Statutory Revision)  
27, rcmt 130-131, Com 316, 1213
- HB 17, relative to building codes in municipalities. (Campbell of Bel. 5 - To Municipal and County Government)  
27, Com 221, 1213
- HB 18, permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary. (Flanagan of Rock. 8 - To Municipal and County Government)  
New title: authorizing the secretary of state to appoint an office supervisor when an assistant secretary of state vacancy exists.  
27, psd 112, 120, conc S am 1038, enr 1118 (Chapter 275)
- HB 19, relative to the election laws. (Flanagan of Rock. 8 - To Constitutional and Statutory Revision)  
27, psd 105, 120, conc S am 1043, enr 1128 (Chapter 276)
- HB 20, exempting poles, masts, and towers which support antennas from regulation by zoning ordinance. (Knight of Mer. 14 - To Municipal and County Government)  
27, K 221-222
- HB 21-FN-A, relative to improvement of the state boat launch on Crystal Lake in the town of Enfield and making an appropriation therefor. (Scanlan of Graf. 11 - To Resources, Recreation and Development)  
27, Approp 78, K 347
- HB 22, relative to methods of hunting and possession of deer and moose and illegal night hunting. (Scanlan of Graf. 11 et al - To Fish and Game)  
27, am 164, psd 179, conc S am 988, enr am 1084, enr 1192 (Chapter 277)
- HB 23, relative to halfway houses. (Mace of Rock. 21 - To Health and Human Services)  
27, psd 77, 89, S conc 138, enr 181 (Chapter 4)



- HB 24, to extend the deadline for the joint committee on recodification of the water laws to submit its report to the general court.  
(Woodward of Rock. 18 - To Resources, Recreation and Development)  
27, psd 83-84, 89, S conc 957, enr 1039 (Chapter 195)
- HB 25, relative to intravenous devices in emergency situations. (Musler of Str. 3 - To Health and Human Services)  
27, K 105
- HB 26-FN-A, making an appropriation for the New Hampshire bicentennial commission on the United States Constitution. (Chase of Car. 6; Parr of Rock. 17 - To Appropriations)  
27, am 215-217, psd 272, S conc 677, enr 868 (Chapter 59)
- HB 27, defining the scope of reference of terms referring to state, county, and local government officials. (Blair of Graf. 8 - To Municipal and County Government)  
27, K 107
- HB 28, relative to retention schedules for depository libraries.  
(Skinner of Rock. 21 - To State Institutions and Housing)  
27, psd 78, 89, S conc 138, enr 181 (Chapter 5)
- HB 29, relative to the fee paid to a shelter for unlicensed or stray dogs seized by local officials. (Benton of Rock. 5 - To Municipal and County Government)  
New title: relative to fees paid to municipal shelters or humane society facilities for unlicensed dogs held there.  
27, am 222-223, psd 272, S conc 871, enr 914 (Chapter 91)
- HB 30-FN-A, relative to uniform allowance for newly commissioned second lieutenants and warrant officers in the New Hampshire national guard and making an appropriation therefor. (Benton of Rock. 5 - To Public Protection and Veterans Affairs)  
27, Approp 146, psd 370, 391, S conc 872, enr 914 (Chapter 92)
- HB 31, relative to boating on Wakondah Pond in town of Moultonborough.  
(McIntire of Car. 4 - To Resources, Recreation and Development)  
New title: relative to boating on Wakondah Pond in the town of Moultonborough and School Pond in the town of Danbury.  
27, psd 108, 120, conc S am 678, enr 869 (Chapter 60)
- HB 32, relative to the election of the chairman of the university system study committee. (Tufts of Rock. 13 - To Education)  
28, psd 131, 136, S nonconc 872
- HB 33, making assault with a motor vehicle a felony. (Malcolm of Rock. 17 - To Judiciary)  
28, K 106
- HB 34, permitting the state, counties, and municipalities to contract with private entities for the construction, operation, supervision, and maintenance of government-operated facilities. (Knight of Hil. 6; Palumbo of Rock. 10 - To Municipal and County Government)  
28, K 417
- HB 35, relative to divorce based on irreconcilable differences. (Lown of Hil. 9 - To Judiciary)  
28, K 106



- HB 36, relative to alimony and property settlements and fault grounds in divorce. (Lown of Hil. 9 - To Judiciary)  
28, am 319-320, psd 345, conc S am 1047, enr 1118 (Chapter 278)
- HB 37, relative to the emergency management act. (Musler of Straf. 3; Benton of Rock. 5 - To Public Protection and Veterans Affairs)  
28, am & Approp 132-133, am 371, psd 391, S conc 872, enr am 935, enr 958 (Chapter 162)
- HB 38, relative to the method of taking deer in the town of Madbury. (Wilson of Str. 4 et al - To Fish and Game)  
28, psd 164, 179, S conc 677, enr 868 (Chapter 61)
- HB 39, authorizing the director of motor vehicles to issue special vanity plates for amateur radio operators. (Knight of Mer. 14 - To Transportation)  
28, K 300
- HB 40, relative to bond given by administrators of estates. (Green of Hil. 36 - To Judiciary)  
28, psd 106, 120, conc S am 639, enr 673 (Chapter 24)
- HB 41, providing that the condemnee shall have first option to purchase any property condemned by eminent domain, if said property is abandoned for any reason by condemnor. (Lozeau of Hil. 25 - To Commerce, Small Business and Consumer Affairs)  
28, Com 140, 1213
- HB 42, relative to use of the crossbow by certain disabled persons. (Bowler of Bel. 2 - To Fish and Game)  
28, K 142-143
- HB 43, relative to eligibility for admittance to the New Hampshire veterans' home. (Benton of Rock. 5; Levesque of Hil. 30 - To State Institutions and Housing)  
28, psd 124, 136, S conc 872, enr 914 (Chapter 121)
- HB 44, requiring rest rooms in certain grocery stores. (Sullivan of Hil. 39 - To Commerce, Small Business and Consumer Affairs)  
28, K 75
- HB 45, relative to maternity and infancy. (Green of Hil. 36 - To Health and Human Services)  
28, psd 105, 120, nonconc S am, conf 851, 872, rep adop 1061, 1062, enr 1129 (Chapter 279)
- HB 46, relative to the state radiation advisory committee. (Green of Hil. 36 - To Executive Departments and Administration)  
28, psd 142, 156, S conc 871, enr 914 (Chapter 93)
- HB 47, relative to certain fish and game licenses. (Drake of Rock. 18 - To Fish and Game)  
28, am 164-165, psd 179, S conc 677, enr 868 (Chapter 62)
- HB 48, extending filing deadlines of the financial disclosure law. (Bass of Hil. 7 et al - To Legislative Administration)  
28, rules suspended & psd 33-34, S conc 41, enr 50 (Chapter 1)
- HB 49, relative to filling a vacancy in the office of the county treasurer. (Dickinson of Car. 2 et al - To Municipal and County Government)  
28, rules suspended & psd 33-34, S conc 41, enr 50 (Chapter 2)

- HB 50-A, relative to replacing the Hampton beach seawall and making an appropriation therefor. (Parr of Rock. 17 et al - To Public Works)  
New title: relative to utilization of the Hampton parking meter revenues.  
28, LT 152, am 594-595, psd 597, S conc 677, enr 911 (Chapter 94)
- HB 51, relative to the statutory definition of a deadly weapon. (Benton of Rock. 5 - To Judiciary)  
28, K 106
- HB 52, relative to imposing a mandatory minimum jail sentence for retaliating against a witness. (Gordon of Mer. 7 - To Judiciary)  
28, K 168
- HB 53, relative to the filling of vacancies in combined water and sewer commissions. (Hoar of Rock. 6; Joyce of Rock. 6 - To Municipal and County Government)  
28, K 296
- HB 54, relative to prohibiting interference with hunters, trappers and fishermen. (Smith of Mer. 20 et al - To Fish and Game)  
29, am (RC) 149-151, psd 156, S nonconc 957
- HB 55, relative to the insanity defense and committal orders. (Shriver of Hil. 11; Lozeau of Hil. 25 - To Judiciary)  
29, am 82-83, psd 89, S conc 214, enr 614 (Chapter 13)
- HB 56-FN-A, relative to renovating a certain area of the state house and making an appropriation therefor. (Vartanian of Rock. 20; Gage of Rock. 20 - To Public Works)  
29, K 146
- HB 57, relative to mental health group homes. (Green of Hil. 36 - To Health and Human Services)  
29, K 110
- HB 58, relative to membership on planning boards. (Dykstra of Hil. 39 et al - To Municipal and County Government)  
29, Com 146, 1213
- HB 59, relative to connections from private property to public sewers. (Buco of Rock. 20; Cooke of Rock. 20 - To Municipal and County Government)  
29, K 122-123
- HB 60-FN, relative to indemnification of fish and game department volunteers. (Dickinson of Car. 2 - To Fish and Game)  
29, psd 76, 89, S conc 677, enr 868 (Chapter 75)
- HB 61, relative to rulemaking by the executive director of the department of fish and game, pertaining to deer, bear, and small game animals. (Jensen of Bel. 6; Dickinson of Car. 2 - To Fish and Game)  
New title: relative to the executive director setting the deer and bear seasons for taking.  
29, am 165, psd 179, S conc 677, enr 868 (Chapter 63)
- HB 62, relative to establishing salaries of county officers. (Dickinson of Car. 2; Chase of Car. 6 - To Municipal and County Government)  
29, am 297, psd 344, S conc 957, enr am 1041, enr 1058 (Chapter 223)

- HB 63, relative to certain water analysis records. (Whittemore of Mer. 10 - To Resources, Recreation and Development)  
29, K 147
- HB 64, relative to requiring direct notification of certain persons of public hearings on location of solid and hazardous waste disposal sites. (Campbell of Rock. 20 - To Municipal and County Government)  
29, com changed 74, K 409
- HB 65, relative to restricting power boats on Lake Wicwas in the town of Meredith. (Brown of Bel. 4; Dexter of Bel. 8 - To Resources, Recreation and Development)  
29, am 117, psd 120, nonconc S am, conf 879, 1052, 1059, IP 1209
- HB 66-FN, relative to reinstating the corporate charter of Camp Tecumseh. (McIntire of Car. 4 - To Constitutional and Statutory Revision)  
First new title: reviving the corporate charters of Camp Tecumseh and the Lakewood Beach Association.  
Second new title: reviving the charters of Camp Tecumseh and the Webster Lake Association.  
Third new title: permitting the revival of certain corporate charters.  
29, rem 160, am 173-174, psd 179, conc S am 989, enr 1057 (Chapter 196)
- HB 67, relative to urea-formaldehyde. (Benton of Rock. 5 - To Commerce, Small Business & Consumer Affairs)  
29, am 140, psd 156, S conc 677, enr am 874-875, enr 934 (Chapter 147)
- HB 68, relative to attendance at scheduled planning board meetings. (Malcolm of Rock. 17 - To Municipal and County Government)  
29, K 123
- HB 69, relative to reckless conduct. (Gordon of Mer. 7 - To Judiciary)  
29, K 106-107
- HB 70, relative to prohibiting homosexuals from adopting, being foster parents, or running day care centers. (Ingram of Sul. 4 et al - To Judiciary)  
29, S Ct opin req & LT 198-199, opin printed 312-313, S Ct opin req 636-639, IP 1208
- HB 71, relative to the fiscal note process. (Harrington of Hil. 7 - To Legislative Administration)  
29, am 145, psd 156, S conc 871, enr 911 (Chapter 122)
- HB 72-FN-A, relative to establishing the position of international trade specialist in the small business development center of the university system of New Hampshire at the college in Manchester. (King of Graf. 6 et al - To Commerce, Small Business and Consumer Affairs)  
50, SO 125-126, K 147
- HB 73-FN, relative to falconry. (McKinney of Rock. 23 et al - To Fish and Game)  
50, am 76, psd 89, S conc 677, enr am 875, enr 934 (Chapter 130)
- HB 74-FN, relative to the positions of school district clerk and school district treasurer. (Boucher of Rock. 23 et al - To Education)  
50, K 75

- HB 75-FN-A, relative to registration fees for pesticide products and making an appropriation to the division of pesticide control. (Townsend of Graf. 13; Schotanus of Sul. 1 - To Environment and Agriculture)  
New title: relative to registration fees for pesticide products.  
51, am & Approp 131, am 347-348, psd 390, S conc 917, enr 958 (Chapter 163)
- HB 76-FN, relative to the coyote. (Bardsley of Mer. 1 - To Fish and Game)  
51, K 76
- HB 77-FN, relative to establishing a committee to study the use of consultant contracts by the department of health and human services. (Green of Hil. 36 - To Health and Human Services)  
51, K 77
- HB 78-FN, relative to flying the POW-MIA flag over the state house. (Barnes of Rock. 6 - To Public Protection and Veterans Affairs)  
51, am 123, psd 136, conc S am 648, enr 852 (Chapter 44)
- HB 79-A, relative to making a capital appropriation for Tip Top House. (LaMott of Graf. 5 - To Public Works)  
51, Approp 117, psd 348, 390, S conc 677, enr am 875, enr 934 (Chapter 131)
- HB 80-FN, relative to granting the town of Plaistow a 5 year exemption from participation in the southeast solid waste management district. (Schwaner of Rock. 9 et al - To Municipal and County Government)  
51, com changed 74, K 473
- HB 81-FN, relative to special license plates for spouses of deceased prisoners of war. (Sullivan of Hil. 39; Fields of Hil. 13 - To Transportation)  
51, K 78
- HB 82, relative to rate increases resulting from electric power produced by nuclear electric generating facility. (Hall of Mer. 7 - To Science, Technology and Energy)  
51, Com (RC) 265-267, 1213
- HB 83-A, relative to the Cornish-Windsor bridge and making an appropriation therefor. (Townsend of Sul. 1 et al - To Public Works)  
51, am & Approp (RC) 152-155, am 348-349, psd 390, nonconc S am, conf 831, 872, S nonconc rep, req new conf 1061, rep adop 1114, 1115, enr 1191 (Chapter 280)
- HB 84-FN, relative to the veterans' exemption. (Matson of Ches. 7 - To Municipal and County Government)  
51, K 223
- HB 85-A, relative to constructing a bypass on route 111 from the town of Windham to the town of Salem and making an appropriation therefor. (Campbell of Rock. 20 et al - To Public Works)  
51, Com 146-147, 1213
- HB 86, relative to non-smoking areas in public restaurants. (Phelps of Mer. 1; Simon of Rock. 9 - To Health and Human Services)  
51, K 106

- HB 87, relative to revising the definition of "person" in the statutory construction chapter. (Blair of Graf. 8 - To Constitutional and Statutory Revision)  
51, am 82, psd 89, S nonconc 1049
- HB 88-FN, relative to the pesticide control board; rulemaking hearings, exemptions, and definitions. (Townsend of Graf. 13 - To Environment and Agriculture)  
51, psd 105, 120, S conc 871, enr am 936, enr 958 (Chapter 164)
- HB 89, relative to library regions. (Skinner of Rock. 21 - To State Institutions and Housing)  
New title: relative to library areas.  
51, psd 78, 89, conc S am 181, enr 395 (Chapter 7)
- HB 90, relative to membership on the New Hampshire automated information systems board. (Skinner of Rock. 21 - To State Institutions and Housing)  
51, am 124-125, psd 136, conc S am 987, enr 1058 (Chapter 224)
- HB 91-FN-A, relative to establishing a state liquor store in the town of Londonderry and making an appropriation therefor. (McKinney of Rock. 23 et al - To Regulated Revenues)  
New title: establishing state liquor stores in the towns of Londonderry and Belmont and making an appropriation therefor.  
51. approp 117, psd 687, 847, conc S am 988, enr 1128 (Chapter 281)
- HB 92, relative to a penalty for assault of police officers. (Bass of Hil. 7 - To Judiciary)  
51, K 107
- HB 93, relative to changing the date for observance of Memorial Day. (Matson of Ches. 7 et al - To Public Protection and Veterans Affairs)  
51, K (RC) 133-135
- HB 94, relative to real estate attachments. (Whittemore of Mer. 10 et al - To Judiciary)  
51, K 77, recon & rcmt 79, am 168, psd 179, S conc 648, enr 852 (Chapter 45)
- HB 95, relative to hunting accidents. (Dionne of Str. 5 - To Fish and Game)  
52, psd 76, 89, conc S am 867, enr 911 (Chapter 95)
- HB 96, relative to prohibiting wrongful life and wrongful birth actions. (Granger of Hil. 13; Donovan of Hil. 26 - To Judiciary)  
52, K 107
- HB 97-FN-A, relative to appropriating funds to the department of agriculture for inspection of apiaries. (Campbell of Rock. 20; Ritzo of Rock. 18 - To Environment and Agriculture)  
52, am & Approp 109-110, am 349, psd 390, S conc 677, enr am 875, enr 934 (Chapter 132)
- HB 98, relative to adultery. (Jones of Hil. 20 - To Judiciary)  
52, psd (RC) 110-112, 120, S nonconc 617
- HB 99-FN, relative to district court sessions in towns within a district. (Gage of Rock. 13 - To Judiciary)  
52 am 143-144, psd 156, S conc 648, enr 852 (Chapter 46)

- HB 100-A, making appropriations for capital improvements. (Pearson of Bel. 5 - To Public Works)  
160, am & Approp 302-305, am 622-626, psd 644, nonconc S am, conf 990, 995, 1078, rep adop 1116, 1121-1122, enr am 1186-1187, enr 1194 (Chapter 398)
- HB 101-FN, relative to sunset review of the joint legislative committee on review of agencies and programs. (Horton of Coos 4 - To Legislative Administration)  
New title: relative to sunset review of the joint legislative committee on review of agencies and programs and relative to the legislative program review process.  
29, rem 275, am 337-342, psd 344, S nonconc 918
- HB 102-FN, relative to sunset review of office of legislative services. (Horton of Coos 4 - To Legislative Administration)  
29, am 295-296, psd 344, S conc 917, enr am 1035, enr 1058 (Chapter 225)
- HB 103-FN, relative to sunset review of office of legislative services - administrative procedures division. (Horton of Coos 4 - To Legislative Administration)  
First new title: transferring the administrative procedures division of the office of legislative services to the jurisdiction of the joint legislative committee on administrative rules and making an appropriation therefor and amending the administrative procedure act.  
Second new title: relative to sunset review of the office of legislative services administrative procedures division and amending the administrative procedure act.  
29, am & Approp 356-364, am 649-654, psd 674, S conc 1049, enr 1129 (Chapter 282)
- HB 104-FN, relative to sunset review of the office of state planning. (Dingle of Str. 4 - To Resources, Recreation and Development)  
New title: relative to sunset review of the office of state planning, and consolidating the functions of the office of state planning in a new RSA chapter.  
29, rem 182, am 202-211, psd 212, nonconc S am, conf 1038, 1052, rep adop 1114, 1116, enr am 1130, enr 1191 (Chapter 283)
- HB 105-FN, relative to sunset review of the secretary of state - legislative services. (McCain of Rock. 11 - To Executive Departments and Administration)  
29, psd 76, 89, conc S am 997, enr 1129 (Chapter 284)
- HB 106-FN, relative to sunset review of board of claims. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, am 183-184, psd 212, S conc 617, enr 615 (Chapter 14)
- HB 107-FN, relative to sunset review of the department of revenue administration - community services. (Ahrens of Hil. 13 - To Ways and Means)  
30, am 584-587, psd 598, nonconc S am, conf 1038, S nonconc conf req 1047, S recon, conf 1057, rep adop 1114, 1116, enr 1192 (Chapter 285)
- HB 108-FN, relative to sunset review of the department of revenue administration - revenue collection. (Ahrens of Hil. 13 - To Ways and Means)  
New title: relative to sunset review of the department of revenue administration - revenue collection, and relative to certain functions of the department of revenue administration.  
30, am 268-270, psd 272, S conc 957, enr am 1187, enr 1194 (Chapter 408)



- HB 109-FN, relative to sunset review of coordinator of highway safety. (Haynes of Rock. 9 - To Transportation)  
30, psd 108, 120, conc S am 275, enr 614 (Chapter 15)
- HB 110-FN, relative to sunset review of the New Hampshire retirement system. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, psd 162, 179, S conc 617, enr am 640, enr 673 (Chapter 25)
- HB 111-FN, relative to sunset review of the board of accountancy. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, psd 184, 212, S conc 617, enr am 640, enr 673 (Chapter 26)
- HB 112-FN, relative to sunset review of the board of chiropractic examiners. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, am 539-542, psd 598, nonconc S am, conf 1039-1040, 1052, IP 1209
- HB 113-FN, relative to sunset review of civil air patrol. (McCain of Rock. 11 - To Executive Departments and Administration)  
New title: establishing a civil air patrol grant program.  
30, am 372-373, psd 391, S conc 677, enr 868 (Chapter 64)
- HB 114-FN, relative to sunset review of dental board. (McCain of Rock. 11 - To Executive Departments and Administration)  
New title: relative to sunset review of dental board and relative to continuing education and confidentiality of certain hearings by the dental board.  
30, am 282, psd 344, S conc 917, enr 934 (Chapter 133)
- HB 115-FN, relative to sunset review of regulation of electricians. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, psd 184, 212, S conc 617, enr am 640, enr 673 (Chapter 27)
- HB 116-FN, relative to sunset review of funeral directors and embalmers board. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, psd 184, 212, conc S am 617, enr am 874, enr 934 (Chapter 134)
- HB 117-FN, relative to sunset review of board of medicine. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, psd 283, 344, S conc 957, enr am 1041, enr 1058 (Chapter 226)
- HB 118-FN, relative to sunset review of board of optometry. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, psd 162, 179, S conc 617, enr am 640, enr 673 (Chapter 28)
- HB 119-FN, relative to sunset review of pharmacy commission. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, psd 162, 179, S conc 617, enr am 640-641, enr 673 (Chapter 29)
- HB 120-FN, relative to sunset review of plumbers board. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, am & Approp 184-185, psd 604, 614, S conc 917, enr 934 (Chapter 135)
- HB 121-FN, relative to sunset review of board of registration of podiatrists. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, psd 142, 156, S conc 617, enr am 641, enr 673 (Chapter 30)

- HB 122-FN, relative to sunset review of board of psychologists. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, am 283, psd 344, conc S am 996, enr am 1191, enr 1192 (Chapter 286)
  
- HB 123-FN, relative to sunset review of public employee labor relations board. (MacDonald of Rock. 7 - To Labor, Industrial and Rehabilitative Services)  
30, am 185-186, psd 212, conc S am 996, enr am 1085, enr 1192 (Chapter 379)
  
- HB 124-FN, relative to sunset review of the real estate commission. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, am 507-508, psd 597, nonconc S am conf 988, 995, 1056, rep adop 1082, 1083, enr 1128 (Chapter 287)
  
- HB 125-FN, relative to sunset review of shorthand court reporters. (McCain of Rock. 11 - To Executive Departments and Administration)  
30, K 194-195
  
- HB 126-FN, relative to sunset review of the commission on the status of women. (McCain of Rock. 11 - To Executive Departments and Administration)  
New title: relative to sunset review of the commission on the status of women and making certain changes relative to the commission.  
30, rem 181, am 201-202, psd 212, nonconc S am, conf 997, 1052, 1057, rep adop 1082, 1083, enr 1129 (Chapter 288)
  
- HB 127-FN, relative to sunset review of the board of veterinary examiners. (McCain of Rock. 11 - To Executive Departments and Administration)  
New title: relative to sunset review of the board of veterinary examiners and relative to preliminary hearings.  
30, am 163, psd 179, nonconc S am, conf 879, 995, rules suspended & rep adop 1126, enr 1191 (Chapter 289)
  
- HB 128-FN, relative to sunset review of civil defense. (Musler of Str. 3 - To Public Protection and Veterans Affairs)  
30, psd 77, 89, S conc 617, enr am 641, enr 673 (Chapter 31)
  
- HB 129-FN, relative to sunset review of disaster office. (Musler of Str. 3 - To Public Protection and Veterans Affairs)  
31, psd 77, 89, S conc 617, enr am 641, enr 673 (Chapter 32)
  
- HB 130-FN, relative to sunset review of the fire standards and training commission. (Musler of Str. 3 - To Public Protection and Veterans Affairs)  
31, psd 77, 89, S conc 617, enr am 641, enr 673 (Chapter 33)
  
- HB 131-FN, relative to sunset review of the state liquor commission - office of the commissioner/administration. (Simon of Rock. 9 - To Regulated Revenues)  
31, psd 462, 498, S conc 871, enr am 936, enr 958 (Chapter 165)
  
- HB 132-FN, relative to sunset review of state liquor commission - office of the commissioner/regulation. (Simon of Rock. 9 - To Regulated Revenues)  
31, psd 462, 498, S conc 871, enr am 936, enr 958 (Chapter 166)
  
- HB 133-FN, relative to sunset review of state liquor commission - merchandising. (Simon of Rock. 9 - To Regulated Revenues)

New title: relative to sunset review of state liquor commission - merchandising and relative to the state liquor commission.  
31, am & Approp 574-582, psd 654, 674, nonconc S am, conf 996, 1013, 1051, 1059, rep adop 1114, 1116, enr am 1140, enr 1191 (Chapter 380)

- HB 134-FN, relative to sunset review of state liquor commission - warehouse. (Simon of Rock. 9 - To Regulated Revenues)  
31, psd 462-463, 498, S conc 871, enr am 936, enr 958 (Chapter 167)
- HB 135-FN, relative to sunset review of the public utilities commission - administration and support. (Christy of Graf. 11 - To Commerce, Small Business and Consumer Affairs)  
31, am & Approp 141-142, psd 349, 390, S conc 917, enr 934 (Chapter 136)
- HB 136-FN, relative to sunset review of public utilities commission - gas - pipeline carriers. (Christy of Graf. 11 - To Commerce, Small Business and Consumer Affairs)  
31, psd 75, 89, S conc 1049, enr am 1087, 1089, enr 1129 (Chapter 290)
- HB 137-FN, relative to sunset review of the department of safety - administration and support. (Haynes of Rock. 9 - To Transportation)  
31, psd 78, 89, S conc 617, enr am 641-642, enr 673 (Chapter 34)
- HB 138-FN, relative to sunset review of the department of safety - division of motor vehicles. (Haynes of Rock. 9 - To Transportation)  
31, psd 108-109, 120, S conc 392, enr am 639, enr 673 (Chapter 35)
- HB 139-FN, relative to sunset review of the police standards and training council. (Musler of Str. 3 - To Public Protection and Veterans Affairs)  
31, psd 77, 89, S conc 617, enr am 641-642, enr 673 (Chapter 36)
- HB 140-FN, relative to sunset review of the police standards and training council - corrections. (Musler of Str. 3 - To Public Protection and Veterans Affairs)  
31, psd 77, 89, S conc 617, enr am 641-642, enr 673 (Chapter 37)
- HB 141-FN, relative to sunset review of the commission on human rights. (Gage of Rock. 13 - To Judiciary)  
31, psd 168, 179, S conc 617, enr am 641-642, enr 673 (Chapter 38)
- HB 142-FN, relative to sunset review of the fish and game department - administration and support. (Riley of Mer. 9 - To Fish and Game)  
First new title: relative to sunset review of the fish and game department - administration and support and the fish and game department - law enforcement.  
Second new title: relative to sunset review of the fish and game department - administration.  
31, am 166-167, psd 179, nonconc S am, conf 1043, 1052, rep adop 1114, 1116, enr am 1140, enr 1194 (Chapter 412)
- HB 143-FN, relative to sunset review of the department of fish and game - law enforcement. (Riley of Mer. 9 - To Fish and Game)  
31, am 457-459, psd 498, nonconc S am, conf 851, 872, rep adop 1115, 1116, enr am 1130, enr 1191, appointments 1217 (Chapter 291)
- HB 144-FN, relative to sunset review of the department of resources and economic development - bureau of off-highway recreational vehicles. (Riley of Mer. 9 - To Fish and Game)  
31, am & Approp 285-287, am 654-655, psd 674, nonconc S am, conf 996, 1052, rep adop 1080, enr am 1133-1134, enr 1191 (Chapter 292)

- HB 145-FN, relative to sunset review of New Hampshire port authority. (Haynes of Rock. 9 - To Transportation)  
31, psd 109, 120, nonconc S am, conf 939, 992, 995, rep adop 1061, 1062, enr 1193 (Chapter 293)
- HB 146-FN, relative to sunset review of the department of health and human services - office of the commissioner. (Butler of Rock. 11 - To Health and Human Services)  
31, psd 106, 120, conc S am 850, enr 911 (Chapter 96)
- HB 147-FN, relative to sunset review of department of health and human services - division of mental health. (Butler of Rock. 11 - To Health and Human Services)  
31, psd 106, 120 conc S am 617, enr 673 (Chapter 39)
- HB 148-FN, relative to sunset review of Glencliff home for the elderly. (Whitcomb of Graf. 1 - To State Institutions and Housing)  
31, psd 78, 89, conc S am 215, enr 395 (Chapter 8)
- HB 149-FN, relative to sunset review of Laconia state school and training center. (Whitcomb of Graf. 1 - To State Institutions and Housing)  
31, psd 78, 89, conc S am 215, enr 395 (Chapter 9)
- HB 150-FN, relative to sunset review of New Hampshire hospital. (Whitcomb of Graf. 1 - To State Institutions and Housing)  
31, psd 108, 120, conc S am 678, enr 869 (Chapter 65)
- HB 151-FN, relative to sunset review of veterans' home. (Whitcomb of Graf. 1 - To State Institutions and Housing)  
31, psd 108, 120, conc S am 617, enr 673 (Chapter 40)
- HB 152-FN, relative to sunset review of the board of education - administration and support. (Hounsell of Car. 2 - To Education)  
First new title: relative to sunset review of the board of education - administration and support, and making a supplemental appropriation for unorganized districts.  
Second new title: relative to sunset review of the board of education - administration and support, establishing a program for administrator excellence, and relative to catastrophic aid.  
Third new title: relative to sunset review of the board of education - administration and support, establishing a program for administrator excellence, relative to catastrophic aid and making a supplemental appropriation for financial aids to districts - state.  
32, psd 281, 344, nonconc S am, conf 1013, 1051, rep adop 1082, 1083, enr am 1134, enr 1191 (Chapter 294)
- HB 153-FN, relative to sunset review of the board of education - financial aids. (Hounsell of Car. 2 - To Education)  
32, psd 281, 344, S conc 917, enr am 1040, enr 1057 (Chapter 227)
- HB 154-FN, relative to sunset review of the board of education - special services. (Hounsell of Car. 2 - To Education)  
32, psd 281, 344, S conc 917, enr am 1040, enr 1057 (Chapter 228)
- HB 155-FN, relative to sunset review of the board of education - food and nutrition. (Hounsell of Car. 2 - To Education)  
32, psd 76, 89, S conc 957, enr am 1041, enr 1057 (Chapter 229)
- HB 156-FN, relative to sunset review of the nurses registration board. (McCain of Rock. 11 - To Executive Departments and Administration)  
32, am 542-543, psd 598, nonconc S am, conf 988, 995, rep adop 1080, enr am 1133, enr 1191 (Chapter 295)

- HB 157-FN, relative to sunset review of the board of education - general instruction. (Hounsell of Car. 2 - To Education)  
 First new title: relative to sunset review of the board of education - general instruction, school district evaluation guidelines, and making an appropriation therefor.  
 Second new title: relative to sunset review of the board of education - general instruction, school district evaluation guidelines.  
 32, am & Approp 448-449, am 655-656, psd 674, S conc 917, enr 958 (Chapter 168)
- HB 158-FN, relative to sunset review of the department of education - adult basic education. (Hounsell of Car. 2 - To Education)  
 32, psd 281, 344, S conc 871, enr am 936-937, enr 958 (Chapter 169)
- HB 159-FN, relative to sunset review of the board of education - driver education. (Hounsell of Car. 2 - To Education)  
 32, rem 446, am 496-497, psd 497, S conc 871, enr am 1087, enr 1130 (Chapter 296)
- HB 160-FN, relative to sunset review of postsecondary education commission - veterans education service. (Hounsell of Car. 2 - To Education)  
 New title: relative to sunset review of postsecondary education commission - veterans education service and repealing the advisory committee.  
 32, am 449, psd 497, S conc 871, enr 914 (Chapter 97)
- HB 161-FN, relative to sunset review of the board of barbering and cosmetology. (McCain of Rock. 11 - To Executive Departments and Administration)  
 32, psd 185, 212, S conc 849, enr am 875, enr 934 (Chapter 137)
- HB 162-FN, relative to sunset review of the board of tax and land appeals. (Gage of Rock. 13 - To Judiciary)  
 32, psd 107, 120, S conc 275, enr am 603, enr 615 (Chapter 16)
- HB 163-FN, relative to sunset review of the boxing and wrestling commission. (McCain of Rock. 11 - To Executive Departments and Administration)  
 32, am 352, psd 390, conc S am 996, enr 1078 (Chapter 257)
- HB 164-FN, relative to sunset review of Connecticut River Valley flood control commission. (Dingle of Str. 4 - To Resources, Recreation and Development)  
 32, psd 124, 136, conc S am 678, enr 869 (Chapter 66)
- HB 165-FN, relative to sunset review of the department of employment security. (MacDonald of Rock. 7 - To Labor, Industrial and Rehabilitative Services)  
 New title: relative to sunset review of the department of employment security and relative to appellate procedure in such department.  
 32, am 323-334, psd 345, nonconc S am, conf 1037, 1045, 1051, rep adop 1115, 1116, enr 1194 (Chapter 409)
- HB 166-FN, relative to sunset review of department of health and human services - division of public health services - electrologists. (McCain of Rock. 11 - To Executive Departments and Administration)  
 New title: renewing the department of health and human services - division of public health services - electrologists for 4 years.  
 32, psd 163, 179, conc S am 678, enr 911 (Chapter 98)



- HB 167-FN, relative to sunset review of the department of postsecondary vocational-technical education. (Hounsell of Car. 2 - To Education)  
**New title:** relative to sunset review of the department of postsecondary vocational - technical education and relative to election in the town of Winchester.  
 32, am 449-451, psd 497, nonconc S am, conf 1013, 1051, S nonconc rep, req new conf 1061, rep adop 1115, enr am 1134-1135, enr 1193 (Chapter 273)
- HB 168-FN, relative to sunset review of joint board of engineers, architects and land surveyors. (McCain of Rock. 11 - To Executive Departments and Administration)  
**New title:** relative to sunset review of joint board of engineers, architects and land surveyors, and relative to exemption from regulation of the design, construction and alteration of certain small structures.  
 32, psd 172-173, 179, nonconc S am, conf 940, 995, 1057, rep adop 1082, 1083, enr am 1134, enr 1192 (Chapter 168)
- HB 169-FN, relative to sunset review of Maine-New Hampshire interstate bridge authority. (Marsh of Coos 1 - To Public Works)  
 32, psd 83, 89, S conc 392, enr am 639-640, enr 673 (Chapter 41)
- HB 170-FN, relative to sunset review of Merrimack River flood control commission. (Dingle of Str. 4 - To Resources, Recreation and Development)  
 32, psd 124, 136, conc S am 678, enr 869 (Chapter 67)
- HB 171-FN, relative to sunset review of New England water pollution control commission. (Dingle of Str. 4 - To Resources, Recreation and Development)  
**New title:** relative to sunset review of the New England interstate water pollution control commission.  
 32, am 186-187, psd 212, S conc 1049, enr am 1135, enr 1192 (Chapter 300)
- HB 172-FN, relative to sunset review of New Hampshire housing finance authority. (Whitcomb of Graf. 1 - To State Institutions and Housing)  
 32, psd 125, 136, S conc 617, enr am 641-642, enr 673 (Chapter 42)
- HB 173-FN, relative to sunset review of the postsecondary education commission - nursing scholarship program. (Hounsell of Car. 2 - To Education)  
**New title:** relative to sunset review of the postsecondary education commission - nursing scholarship program, requirements for the nursing scholarship program, and a leveraged incentive program.  
 32, am & Approp 451-452, am 656-657, psd 674, S conc 917, enr 958 (Chapter 170)
- HB 174-FN, relative to sunset review of postsecondary education commission - war orphans scholarships. (Hounsell of Car. 2 - To Education)  
 32, am & Approp 452-453, psd 657, 674, S conc 917, enr 958 (Chapter 171)
- HB 175-FN, relative to sunset review of standardbred breeders and owners development agency. (Campbell of Rock. 20 - To Environment and Agriculture)  
**New title:** terminating the standardbred breeders and owners development agency.  
 33, am 131-132, psd 136, nonconc S am 990



- HB 176-FN, relative to sunset review of state board of auctioneers. (McCain of Rock. 11 - To Executive Departments and Administration) 33, psd 163, 179, S conc 617, enr am 641-643, enr 673 (Chapter 43)
- HB 177-FN, relative to sunset review of veterinary/medical/optometric education program. (McCain of Rock. 11 - To Executive Departments and Administration)  
First new title: relative to sunset review of veterinary/medical/optometric education program and amending such program.  
Second new title: relative to sunset review of veterinary/medical/optometric education program.  
33, com changed 75, am 470-472, psd 498, nonconc S am, conf 873, 995, rep adop 1061, 1062, enr 1129 (Chapter 301)
- HB 178-FN, to reduce the fee for vanity number plates. (MacDonald of Rock. 7 - To Transportation) 52, K 300
- HB 179-FN, relative to exempting wreckers from the requirements of RSA 375-B. (D'Amante of Sul. 7 - To Transportation) 52, K 109
- HB 180-FN, relative to establishing a study committee to examine the publication and distribution of session laws. (Sallada of Hil. 4 - To Legislative Administration) 52, am 145, psd 156, S conc 871, enr am 937, enr 958, appointments 1217 (Chapter 172)
- HB 181-FN, relative to involuntary emergency hospitalization. (Gordon of Mer. 7 - To Judiciary) 52, K 144
- HB 182-FN, relative to delinquent accounts of liquor permittees. (Burns of Hil. 11 et al - To Regulated Revenues) 52, rem 122, K 135
- HB 183, relative to changing the statute of limitations on actions for medical injuries sustained by minors and on personal actions by persons under a disability. (Robinson of Str. 4 - To Judiciary) 52, K 107
- HB 184, relative to docking on public waters of the state. (Dingle of Str. 4 et al - To Resources, Recreation and Development) 53, am 187-188, psd 212, S conc 917, enr 934 (Chapter 148)
- HB 185, relative to authorizing any town to limit the number of consecutive terms of town officials. (Behrens of Sul. 3 - To Municipal and County Government) 53, K 169
- HB 186, relative to the appointment and terms of alternates for certain municipal offices. (Harrington of Hil. 7 - To Municipal and County Government) 53, psd 169, 179, S conc 956, enr 1039 (Chapter 197)
- HB 187, to require a utility to submit a specific capital improvement plan before seeking exemption from interim zoning regulations. (Smith of Hil. 21; Robinson of Hil. 12 - To Municipal and County Government) 53, K 297

- HB 188, relative to use of headlights in low visibility weather.  
(Knight of Hil. 6 et al - To Transportation)  
53, K 172
  
- HB 189-FN, eliminating certain restrictions on bank branching. (Burns  
of Hil. 11; Sen. Charbonneau - To Commerce, Small Business and  
Consumer Affairs)  
53, am 147-148, psd 156 (K)
  
- HB 190-FN, relative to district court venue in landlord and tenant  
actions. (Green of Hil. 36 - To Judiciary)  
53, psd 107, 120, nonconc S am, conf 639, 850, rep adop 1082, 1083,  
enr 1129 (Chapter 302)
  
- HB 191, to prohibit the discharge of certain amounts of chlorine into  
the coastal waters off Hampton and Seabrook. (Cushing of Rock. 14 -  
To Environment and Agriculture)  
53, com changed 74, K 336
  
- HB 192-FN-A, relative to an office of technical assistance for community  
planning and making an appropriation therefor. (Chambers of Graf. 12  
et al - To Resources, Recreation and Development)  
New title: establishing a program of regional and municipal  
assistance in the office of state planning.  
53, am 188-190, psd 212, S conc 677, enr 868 (Chapter 76)
  
- HB 193-FN-A, relative to liquor store relocation and making an  
appropriation therefor. (Boucher of Mer. 9 et al - To Regulated  
Revenues)  
53, am & Approp 135, am 350, psd 390, S conc 957, enr 1039 (Chapter  
198)
  
- HB 194-FN-A, reducing the meals and rooms tax rate to 6 percent.  
(Ahrens of Hil. 13 - To Ways and Means)  
53, K 606
  
- HB 195, prohibiting the taking of private property by eminent domain for  
any facet of the nuclear industry. (Cushing of Rock. 14; Beaton of  
Mer. 3 - To Science, Technology and Energy)  
New title: prohibiting the taking of private property by eminent  
domain for the siting of a nuclear power plant or a low-level  
radioactive waste disposal facility.  
54, am 432, psd 443, S nonconc 1050
  
- HB 196, establishing a study committee to determine the feasibility of  
establishing ATV trails on right of way of state highways. (Scanlan  
of Graf. 11 et al - To Fish and Game)  
New title: establishing a study committee to determine the  
feasibility of establishing OHRV trails on rights of way of state  
highways.  
54, am 167, psd 179, S conc 677, enr 868 (Chapter 68)
  
- HB 197, repealing the living will law. (Granger of Hil. 13; Gagnon of  
Hil. 29 - To Judiciary)  
54, K 83
  
- HB 198, relative to the definition of death. (Granger of Hil. 13;  
Gagnon of Hil. 29 - To Judiciary)  
54, rem 75, K 84
  
- HB 199-FN, relative to advance warning signs where speed bumps are  
located. (Benton of Rock. 5 - To Transportation)  
54, K 300-301

- HB 200-A, making appropriations for capital improvements. (Pearson of Bel. 5 - To Public Works)  
160, am & Approp 305-311, am 626-634, psd 644, nonconc S am, conf 990, 995, 1078, rep adop S 1116, rep adop (RC) 1122-1123, enr am 1142, enr 1195 (Chapter 399)
- HB 201-FN, relative to the use of the New Hampshire hospital buildings and relative to the disposal of state-owned property. (Arnesen of Graf. 7; Parker of Ches. 11 - To State Institutions and Housing)  
54, am 171, psd 179, nonconc S am, conf 997, 1052, rep adop 1114, 1115, enr 1130 (Chapter 381)
- HB 202-FN, relative to membership on county conventions. (Rounds of Graf. 10 - To Municipal and County Government)  
54, K 169
- HB 203-FN, relative to the premature shutdown and decommissioning costs of any nuclear electric facility in New Hampshire. (Bowler of Bel. 2 - To Science, Technology and Energy)  
54, Com 421, 1213
- HB 204-FN, requiring supervisors of the checklist in the New England states to be notified when a voter is added to a checklist in New Hampshire. (Wells of Rock. 5 - To Constitutional and Statutory Revision)  
54, psd 183, 212, S conc 957, enr 1039 (Chapter 199)
- HB 205, providing local government representation on the New Hampshire retirement system board of trustees. (Townsend of Sul. 1; West of Mer. 21 - To Executive Departments and Administration)  
54, K 195
- HB 206-FN-A, to establish a state disaster assistance fund. (Campbell of Rock. 20 - To Public Protection and Veterans Affairs)  
54, K 225
- HB 207-FN, prohibiting the transfer of a permit to operate a solid or hazardous waste disposal site without a public hearing. (Campbell of Rock. 20 - To Environment and Agriculture)  
54, Com 409, 1213
- HB 208-FN, relative to the limit on trout taken by fly fishing in Clarksville Pond in the town of Clarksville. (Marsh of Coos 1; - To Fish and Game)  
54, psd 143, 156, S conc 917, enr 958 (Chapter 173)
- HB 209-FN, relative to the conditions for receiving certain property tax exemptions. (Matson of Ches. 7 - To Municipal and County Government)  
54, K 297-298
- HB 210, relative to emergency expenditures by towns. (Jacobson of Mer. 2 - To Municipal and County Government)  
54, K 169
- HB 211, relative to warrants for bond issues by towns. (Jacobson of Mer. 2 - To Municipal and County Government)  
54, rem 160, K 174
- HB 212, relative to unemployment compensation. (Dionne of Str. 5 - To Labor, Industrial and Rehabilitative Services)  
54, K 144

- HB 213, relative to guardians for minors and the correction of statutory references for certain appeals. (Parker of Ches. 11 - To Children, Youth and Elderly Affairs)  
54, am 276-277, psd 343, conc S am 851, enr am 937, enr 958 (Chapter 174)
- HB 214-FN, relative to penalties for violations of motor vehicle laws by minors. (G. Katsakiores of Rock. 7; P. Katsakiores of Rock. 7 - To Transportation)  
55, Com 423, 1213
- HB 215-FN, relative to certain expenses for laying out a highway at the request of a petitioner. (Benton of Rock. 5 - To Public Works)  
55, com changed 75, am 223, psd 272, S conc 617, enr 615 (Chapter 17)
- HB 216-FN, requiring all moneys received for the driver training fund to be expended on driver education only, with any excess to be lapsed into the highway fund. (Hawkins of Bel. 5 - To Transportation)  
New title: making an appropriation for the driver training program.  
55, Approp 434, rem 649, am (RC) 670-672, psd 674, S conc 993, enr 1058 (Chapter 267)
- HB 217-FN, relative to nursing home care costs paid by counties. (Spaulding of Sul. 6 et al - To Health and Human Services)  
55, Approp 168, psd 687, 847, S nonconc 994
- HB 218-FN, requiring kindergarten education in all school districts. (Hawkins of Bel. 5 - To Education)  
55, K 162
- HB 219-FN-A, establishing a shooting range in the state and making an appropriation therefor. (Riley of Mer. 9 - To Fish and Game)  
55, Approp 243, Com 604, 1213
- HB 220-FN, relative to the removal of petroleum powered vehicles from surface waters of the state. (Locke of Bel. 6 et al - To Resources, Recreation and Development)  
55, am 200, psd 212, conc S am 988, enr am 1085, enr 1192 (Chapter 303)
- HB 221, to revive the charter of the Pequawket Foundation, a nonprofit organization. (Dickinson of Car. 2 - To Constitutional and Statutory Revision)  
55, am 149, psd 156, S conc 871, enr 914 (Chapter 99)
- HB 222-FN, permitting the city of Claremont to hold its city election on the same day the state general election is held. (Normandin of Sul. 8; Sen. Disnard - To Constitutional and Statutory Revision)  
55, rem 140, K 156
- HB 223, relative to hazardous waste operator permits. (Rounds of Graf. 10 - To Environment and Agriculture)  
55, K 409
- HB 224-FN, establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible. (Walter of Graf. 13; Gordon of Ches. 5 - To Transportation)  
55, am 172, psd 179, nonconc S am, conf 1013, 1051, 1056, rep adop 1080, enr 1129, appointments 1217 (Chapter 382)

- HB 225, relative to stream reclassification of certain waters of the state. (Conroy of Rock. 7 et al - To Resources, Recreation and Development)  
55, psd 190, 212, conc S am 1043, enr am 1085-1086, enr 1192 (Chapter 304)
- HB 226, allowing the use of an historical weir for the taking of alewives. (Copenhaver of Graf. 12 - To Fish and Game)  
55, Com 287, 1213
- HB 227, requiring notification of late payments by subcontractors to unions. (Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)  
55, am 294, psd 344, S conc 871, enr 911 (Chapter 100)
- HB 228, to legalize the 1985 Plymouth town meeting. (Driscoll of Graf. 8 - To Municipal and County Government)  
First new title: legalizing certain town and district meetings.  
Second new title: legalizing certain town and district meetings and relative to an increase in the salaries of the Conway police commissioners.  
55, am 515, psd 598, conc S am 1047, enr am 1140-1141, enr 1194 (Chapter 410)
- HB 229, relative to the exemption of skeet, trap, shooting sports clubs and owners of shooting ranges from any civil or criminal actions relating to noise pollution. (Riley of Mer. 9 et al - To Fish and Game)  
56, psd 316, 344, S conc 917, enr 958 (Chapter 175)
- HB 230, establishing a hotline for missing children. (Wheeler of Hil. 10 et al - To Children, Youth and Elderly Affairs)  
56, psd 160, 179, S conc 617, enr 615 (Chapter 21)
- HB 231-FN, relative to updating master plans once every 5 years. (Dykstra of Hil. 39; Schneiderat of Hil. 34 - To Municipal and County Government)  
56, am 426-427, psd 443, S Com 958, 1229
- HB 232-FN, relative to the homestead exemption for disabled veterans. (Stio of Mer. 5; Fields of Hil. 13 - To Municipal and County Government)  
56, am 223-224, psd 272, S conc 956, enr 1039 (Chapter 200)
- HB 233-FN, to permit citizens to sue state agencies to ensure the enforcement of statutes and rules over which the state agencies have enforcement authority. (Bowler of Bel. 2; Campbell of Rock. 20 - To Judiciary)  
56, K 288
- HB 234-FN, establishing a petition process by which residents may change the location and time of legislative hearings. (King of Graf. 6 - To Legislative Administration)  
56, K 145-146
- HB 235-A, relative to replacing the Westville bridge and making an appropriation therefor. (Schwaner of Rock. 9 et al - To Public Works)  
56, K 169

- HB 236, relative to durable powers of attorney. (Townsend of Sul. 1 - To Children, Youth and Elderly Affairs)  
56, am 160-162, psd 179, S conc 850, enr am 876, enr 934 (Chapter 138)
- HB 237, limiting the civil liabilities of volunteers working on behalf of nonprofit organizations. (Cooke of Rock. 20 et al - To Judiciary)  
56, Com 486, 1213
- HB 238-FN-A, relative to establishing a memorial to Christa McAuliffe and making an appropriation therefor. (Sallada of Hil. 4 - To Appropriations)  
56, am 657, psd 674, conc S am 989, enr 1058 (Chapter 230)
- HB 239-FN, making the Portsmouth district court a full time court. (Blanchard of Rock. 26 et al - To Judiciary)  
56, Com 486-487, 1213
- HB 240, relative to septic inspections on waterfront properties. (Schofield of Car. 4 et al - To Resources, Recreation and Development)  
New title: relative to septic inspections on waterfront properties and relative to creating 3 new positions within the division of water supply and pollution control and making an appropriation therefor.  
56, am & Approp 227-229, am 604-605, psd 614, S Com 918, 1229
- HB 241-FN, relative to workers' compensation. (Hawkins of Bel. 5 - To Labor, Industrial and Rehabilitative Services)  
56, am 144-145, psd 156, conc S am 1037, enr 1118 (Chapter 305)
- HB 242, relative to the powers of the fish and game commission and the appointment of the executive director of the fish and game commission. (Perham of Hil. 10 et al - To Fish and Game)  
56, Com 316, 1213
- HB 243-FN, allowing state fringe benefits for veterinarians appointed by the pari-mutuel commission. (Wall of Str. 4 - To Executive Departments and Administration)  
56, K 163
- HB 244-FN-A, establishing a study committee to review existing fire laws and making an appropriation therefor. (Benton of Rock. 5 - To Public Protection and Veterans Affairs)  
New title: establishing a study committee to review existing fire laws.  
56, am & Approp 123-124, am 350, psd 390, S conc 871, enr 911, appointments 1217 (Chapter 101)
- HB 245, relative to a husband's liability for payment of his wife's resident tax. (Arnesen of Graf. 7 - To Municipal and County Government)  
57, K 169
- HB 246, relative to prime contractor liability. (Young of Ches. 1 - To Labor, Industrial and Rehabilitative Services)  
57, K 169
- HB 247-FN, relative to the workers' compensation advisory council. (Nichols of Mer. 2; Sen. Freese - To Labor, Industrial and Rehabilitative Services)  
57, K 572-573



- HB 248, allowing the expulsion of unruly persons from horse and dog racetrack grounds. (MacDonald of Car. 6 - To Regulated Revenues) 57, psd 262, 272, conc S am 873, enr 959 (Chapter 176)
- HB 249-FN, relative to the shore frontage and acreage at the Laconia state school and training center. (Dexter of Bel. 8 - To Resources, Recreation and Development) 57, psd 229, 272, S conc 871, enr 914 (Chapter 102)
- HB 250-FN-A, making an appropriation to the Conway village fire district. (Hounsell of Car. 2 et al - To Resources, Recreation and Development)  
First new title: making an appropriation to the Conway village fire district and relative to funding waste water treatment systems.  
Second new title: making an appropriation to the Conway village fire district, authorizing the Conway village fire district to issue bonds, and relative to funding waste water treatment systems.  
57, am & Approp 229-230, am 607-608, psd 614, S conc 917, enr 934, veto sustained (RC) 1070-1072
- HB 251-FN-A, repealing the real estate transfer tax. (Pierce of Ches. 17 - To Ways and Means) 57, K 201
- HB 252-FN-A, reducing the rate of the business profits tax to 7.95 percent. (Ahrens of Hil. 13 - To Ways and Means) 57, Com 588, 1213
- HB 253-FN, increasing the percentage of the real estate transfer tax returned to the register of deeds or the county. (Ahrens of Hil. 13 - To Ways and Means) 57, K 588
- HB 254-FN, relative to fish and game publications and miscellaneous retail items. (Powers of Car. 5 - To Fish and Game) 57, Approp 167, K 605
- HB 255-FN, dedicating the federal Wallop-Breaux funds, with state matching funds, for the establishment of boat launching access and making an appropriation therefor. (Boucher of Rock. 23 - To Resources, Recreation and Development)  
New title: dedicating a portion of the federal Wallop-Breaux funds, with state matching funds, for the establishment of boat launching access and making an appropriation therefor.  
57, am & Approp 190-191, am 657-658, psd 674, S conc 957, enr 1057 (Chapter 231)
- HB 256-FN-A, making an appropriation for snowplowing sidewalks at Hampton beach. (Hollingworth of Rock. 17 et al - To Public Works) 57, K 170
- HB 257, relative to enforcement of speed limits. (D'Amante of Sul. 7 - To Transportation) 57, K 172
- HB 258-FN, establishing a committee to study whether liability insurance should be mandatory for OHRVs, snowmobiles, ATVs and organized OHRV clubs. (Scanlan of Graf. 11 et al - To Commerce, Small Business and Consumer Affairs)  
New title: relative to limitations on liability  
57, am 395-396, psd 443, S nonconc 918

- HB 259, relative to the alcohol content in alcoholic beverages. (LaMott of Graf. 5; O'Rourke of Hil. 35 - To Regulated Revenues)  
58, am 170, psd 179, S IP 957
  
- HB 260-FN-A, providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor. (Warburton of Rock. 6 - To Public Works)  
New title: providing for the reconstruction of a section of Prescott Road in the town of Raymond, and relative to the rehabilitation of the Westminster bridge on Routes 12 and 123 in the town of Walpole and making an appropriation therefor.  
58, am & Approp 199, psd 608, 614, conc S am 998, enr 1118 (Chapter 306)
  
- HB 261-A, relative to filing business profits tax returns. (Felch of Rock. 14 et al - To Ways and Means)  
58, K 193
  
- HB 262-FN-A, relative to reimbursements to municipalities for emergency repairs made to state highways and making an appropriation therefor. (Ritzo of Rock. 18 - To Municipal and County Government)  
58, K 169
  
- HB 263-FN-A, establishing the arts development program and making an appropriation therefor. (Ramsay of Ches. 10; Sallada of Hil. 4 - To Education)  
58, am & Approp 194, psd 634-635, 644, S conc 994, enr 1058 (Chapter 262)
  
- HB 264, relative to the composition of the court accreditation commission. (Robinson of Str. 4 - To Judiciary)  
58, am 288-289, psd 344, conc S am 996, enr am 1084, enr 1192, appointments 1228 (Chapter 307)
  
- HB 265-FN-A, relative to incarcerated veterans and making an appropriation therefor. (Ellyson of Rock. 9; Benton of Rock. 5 - To Public Protection and Veterans Affairs)  
58, Approp 146, K 350
  
- HB 266, relative to the state veterans' needs committee. (Ellyson of Rock. 9; Benton of Rock. 5 - To Public Protection and Veterans Affairs)  
58, psd 146, 156, S conc 872, enr 914 (Chapter 103)
  
- HB 267-FN, relative to a moose season. (Theriault of Coos 8 - To Fish and Game)  
58, Com 196, 1213
  
- HB 268-FN-A, establishing an academy of science, arts, and technological innovation and making an appropriation therefor. (Newell of Rock. 7 - To Science, Technology and Energy)  
58, K 192
  
- HB 269-FN-A, relative to the appropriation for motor vehicle replacement. (LaMott of Graf. 5 - To Appropriations)  
58, psd 182, 212, S conc 677, enr 868 (Chapter 77)
  
- HB 270-FN-A, establishing a tribute to deceased legislators and making an appropriation therefor. (O'Rourke of Hil. 35 et al - To Legislative Administration)  
58, K 151

- HB 271-FN-A, relative to enhancing local economic development. (Jean of Str. 10 - To Resources, Recreation and Development)  
58, K 147
- HB 272, providing relocation assistance for tenants of discontinued manufactured housing parks. (Doucette of Ches. 17 - To State Institutions and Housing)  
58, K 192-193
- HB 273-FN-A, relative to congregate services programs and making an appropriation therefor. (Bourque of Hil. 35 et al - To State Institutions and Housing)  
58 am & Approp 234, psd 687, 847, S conc 994, enr 1058 (Chapter 232)
- HB 274-FN, requiring impact statements for zoning amendment proposals. (Dykstra of Hil. 39 et al - To Municipal and County Government)  
59, K 364
- HB 275-FN, establishing a public investments study committee. (Ahrens of Hil. 13 - To Ways and Means)  
59, am 301, psd 344, conc S am 673, enr 852, appointments 1218 (Chapter 55)
- HB 276-FN-A, relative to the rate of the real estate transfer tax. (Ahrens of Hil. 13 - To Ways and Means)  
59, psd (RC) 385-387, 391, nonconc S am, conf 996, 1052, 1059, new conf 1075, 1077, 1078, rep adop 1117, enr 1192 (Chapter 308)
- HB 277-FN, continuing the task force to study mental health services. (Lindblade of Sul. 5; Sen. Bond - To Health and Human Services)  
59, psd 185, 212, S conc 617, enr 615 (Chapter 18)
- HB 278-FN, relative to acupuncture. (Simon of Rock. 9; Sen. Heath - To Health and Human Services)  
59, K 196
- HB 279-FN, creating a board of examiners in ophthalmic dispensing. (Stio of Mer. 5 - To Health and Human Services)  
59, Com 221, 1213
- HB 280, relative to water usage. (Blair of Graf. 8 - To Resources, Recreation and Development)  
59, am 191, psd 212, S study 933, 1229
- HB 281-FN, establishing a study committee on teacher shortages and salaries. (Wadsworth of Graf. 13 et al - To Education)  
59, psd 453, 498, S conc 917, enr am 1041, enr 1057, appointments 1218 (Chapter 268)
- HB 282-FN-A, relative to an exemption from the road toll. (Durant of Hil. 32 - To Transportation)  
59, K 236
- HB 283, relative to employment termination. (Knight of Mer. 14 et al - To Labor, Industrial and Rehabilitative Services)  
59, rem 395, K (RC) 440-441
- HB 284-FN-A, making an appropriation for a conference on day care. (Skinner of Rock. 21 et al - To Children, Youth and Elderly Affairs)  
59, Approp 182, psd 635, 644, S conc 957, enr am 1041-1042, enr 1057 (Chapter 269)

- HB 285, relative to overtime work. (Dionne of Str. 5; Pantelakos of Rock. 24 - To Labor, Industrial and Rehabilitative Services)  
59, K (RC) 334-336, recon & Com 442, 1213
- HB 286-A, relative to the construction of a Route 102 bypass from the town of Londonderry to the town of Raymond and making an appropriation therefor. (P. Katsakiores of Rock. 7 et al - To Public Works)  
59, K 226
- HB 287-FN, relative to kindergarten. (Hawkins of Bel. 5 et al - To Education)  
59, Com 242-243, 1213
- HB 288-FN-A, establishing an office of victim/witness assistance and making an appropriation therefor. (Gage of Rock. 13 - To Judiciary)  
59, am & Approp 251-252, am 605, psd 614, conc S am 999, enr am 1190-1191, enr 1192 (Chapter 310)
- HB 289-A, relative to criminal records and making an appropriation therefor. (Eaton of Ches. 4 - To Judiciary)  
59, am & Approp 252-253, am 608-609, psd 615 (K)
- HB 290-FN-A, relative to prenatal programs and making an appropriation therefor. (Torr of Str. 6; Sen. Krasker - To Health and Human Services)  
59, Approp 196, K 678
- HB 291, relative to cosmetology. (Sanderson of Rock. 25 - To Commerce, Small Business and Consumer Affairs)  
60, rem 140, rcmt 156, com changed 180, psd 411, 443, S conc 871, enr 914 (Chapter 104)
- HB 292-FN, permitting permanent policemen who serve as field representatives for the police standards and training council and permanent firemen who serve with the fire standards and training commission to continue as group II members of the New Hampshire retirement system. (Gordon of Mer. 7 - To Executive Departments and Administration)  
New title: permitting certain group II members who serve with the police standards and training council or with the fire standards and training commission to continue as group II members of the New Hampshire retirement system.  
60, am & Approp 195-196, am 658-659, psd 674, conc S am 940, enr 958, veto sustained (RC) 1072-1074
- HB 293-FN-A, relative to foster family homes and making an appropriation therefor. (Lozeau of Hil. 25 et al - To Children, Youth and Elderly Affairs)  
New title: relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.  
60, Approp 239, am 664-665, psd 675, S Com 1050, 1229
- HB 294-FN-A, exempting the sale of a manufactured housing park to a tenants' association from the real estate transfer tax and requiring a manufactured housing park owner to give notice to a tenants' association before selling the park. (King of Graf. 6 et al - To State Institutions and Housing)  
New title: requiring a manufactured housing park owner to give notice to a tenants' association before selling the park  
60, am 234-235, psd 272, conc S am 1056, enr am 1141, enr 1192 (Chapter 383)

- HB 295-FN, relative to the board of tax and land appeals. (West of Mer. 21 - To Executive Departments and Administration)  
60, am & Approp 375-377, am 618, psd 643, S Com 958, 1229
- HB 296-FN-A, establishing a department of securities and making an appropriation therefor. (McCain of Rock. 11 et al - To Commerce, Small Business and Consumer Affairs)  
New title: establishing an office of securities regulation and making an appropriation therefor, relative to takeover bids and target companies, and increasing the securities registration fee.  
60, am & Approp 241-242, am 678-679, psd 846, nonconc S am, conf 1009, 1045, 1052, 1059, rep adop S 1114, rules suspended, SO & new conf 1115, 1120, rules suspended & rep adop 1125-1126, enr am 1142-1143, enr 1195 (Chapter 411)
- HB 297-A, relative to the purchase of outstanding shares of stock of the Northern Railroad and making an appropriation therefor. (Hoar of Rock. 6; Whittemore of Mer. 10 - To Transportation)  
60, Com 236, 1213
- HB 298-FN, relative to the land use change tax. (Cole of Ches. 3 - To Environment and Agriculture)  
60, rem 160, K 174
- HB 299-FN-A, continuing pari-mutuel tax credits for dog races, and raising the limit therefor. (Hawkins of Bel. 5 et al - To Regulated Revenues)  
60, psd 170, 179, conc S am 873, enr 959 (Chapter 154)
- HB 300-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1988 and June 30, 1989. (Kidder of Mer. 2 - To Appropriations)  
347, am (RC) 687-823, psd 847, nonconc S am, conf 990, 995, rep adop 1120, (RC) 1123-1125, enr am 1143-1181, enr 1195, appointments 1218 (Chapter 400)
- HB 301, providing civil immunity from liability for volunteers serving as athletic coaches or sports officials for nonprofit associations. (Fesh of Rock. 7 et al - To Judiciary)  
60, Com 487, 1213
- HB 302-FN-A, transferring excess litter removal funds to the statewide lilac account. (Rounds of Graf. 10; Tarpley of Hil. 9 - To Appropriations)  
60, K 351
- HB 303-FN, relative to fees collected by the New Hampshire port authority. (Vaughn of Rock. 27 et al - To Transportation)  
60, Approp 434, am 659, psd 674, S conc 917, enr 934 (Chapter 139)
- HB 304-FN-A, relative to simulcast racing. (Hawkins of Bel. 5 et al - To Regulated Revenues)  
60, am & Ways and Means 186, psd 588, 598, S conc 677, enr 868 (Chapter 69)
- HB 305-FN-A, relative to a public safety awareness commission and making an appropriation therefor. (Pappas of Hil. 37 et al - To Transportation)  
60, K 267
- HB 306, limiting the horsepower of boat motors on Marchs Pond in the town of New Durham and prohibiting the use of jet skis on said pond. (Bates of Str. 1 - To Resources, Recreation and Development)



New title: limiting the horsepower of boat motors on Marchs Pond and Chalk Pond in the town of New Durham and prohibiting the use of jet skis on said ponds and on Pine River Pond in the town of Wakefield.  
61, am 191-192, psd 212, conc S am 873, enr am 959, enr 1058 (Chapter 233)

- HB 307-FN-A, relative to the financing of regional planning commissions and making an appropriation therefor. (Perry of Ches. 10 et al - To Resources, Recreation and Development)  
61, K 192
- HB 308-FN-A, establishing a fire standards and training commission fund. Matson of Ches. 7 - To Public Protection and Veterans Affairs)  
61, K 225
- HB 309-FN-A, relative to the Nansen ski jump and making an appropriation therefor. (Nelson of Coos 8 et al - To Public Works)  
First new title: relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain Aerial Tramway Fund.  
Second new title: relative to the Nansen ski jump and making an appropriation therefor and repealing the Cannon Mountain aerial tramway fund and establishing a study committee for the state-owned ski operations.  
61, am & Approp 259-260, am 609, psd 615, conc S am 998, enr 1078, appointments 1218 (Chapter 258)
- HB 310-A, relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor. (Jacobson of Hil. 26 et al - To Public Works)  
61, Com 226, 1213
- HB 311-A, relative to the rehabilitation of the Westminster bridge on Routes 12 and 123 in the town of Walpole and making an appropriation therefor. (Miller of Ches. 1; Young of Ches. 1 - To Public Works)  
61, rem 215, Com 270-271, 1213
- HB 312, to legalize 2 town meetings held in Canaan. (Scanlan of Graf. 11 et al - To Municipal and County Government)  
New title: to legalize a town meeting held in Canaan.  
61, rem 501, am 593, psd 598, S conc 872, enr 914 (Chapter 105)
- HB 313-A, relative to resurfacing of Route 3-A and reconstruction of sections of Route 3-A in the towns of Hudson, Litchfield, and the city of Manchester and making an appropriation therefor. (Robinson of Hil. 12 et al - To Public Works)  
61, Com 226, 1213
- HB 314-FN-A, providing assistance to school districts for the purpose of replacing underground storage tanks and making an appropriation therefor. (Gross of Mer. 16 - To Education)  
61, com changed 139, K 368
- HB 315, relative to the definition of sending district. (Gross of Mer. 16 - To Children, Youth and Elderly Affairs)  
61, K 182
- HB 316-FN-A, permitting refunds for stamps destroyed after affixing to tobacco products. (Sytek of Rock. 20 et al - To Ways and Means)  
61, am 236, psd 272, S conc 871, enr 911 (Chapter 106)



- HB 317-FN-A, to tax smokeless tobacco and other tobacco products.  
(Whittemore of Mer. 10 - To Regulated Revenues)  
61, K 186
- HB 318-FN-A, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor.  
(Rehlander of Mer., 8 et al - To Children, Youth and Elderly Affairs)  
62, am & Approp 237-239, psd 665-666, 675 (K)
- HB 319-FN-A, establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers. (Champagne of Hil. 48; Bourque of Hil. 35 - To Children, Youth and Elderly Affairs)  
First new title: establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of drug abusers and making an appropriation for the alcohol and drug abuse prevention committee.  
Second new title: making an appropriation for use in the prevention and treatment of alcohol and drug abuse and rehabilitation of drug users and making an appropriation to the catastrophic illness fund.  
62, Ways and Means 239, Approp (2 RC's) 589-593, am (RC) 823-827, psd 847, Conc S am 987, enr 1039 (Chapter 270)
- HB 320-FN-A, relative to the definition of a hotel under the meals and rooms tax. (Bourque of Hil. 35; Champagne of Hil. 48 - To Ways and Means)  
62, K 236
- HB 321-FN-A, creating the Connecticut River Valley resource authority and making an appropriation therefor. (Miller of Ches. 1 et al - To Resources, Recreation and Development)  
New title: creating the Connecticut River Valley resource commission and making an appropriation therefor.  
62, am & Approp 262-265, am 609-610, psd 615, conc S am 998, enr am 1132-1133, enr 1192 (Chapter 311)
- HB 322-FN-A, relative to the AIDS virus and making an appropriation therefor. (Butler of Rock. 11 et al - To Health and Human Services)  
62, am & Approp 243-248, am 827, psd 847, nonconc S am, conf 998, 1051, 1052, rep adp S, nonconc rep (RC), new conf 1080-1082, 1117, S nonconc rep 1126
- HB 323-FN-A, relative to school instruction in the Heimlich maneuver and making an appropriation therefor. (Derosier of Hil. 26 et al - To Education)  
62, K 183
- HB 324-FN-A, establishing a state land use and development plan and making an appropriation therefor. (Bennett of Graf. 9 - To Resources, Recreation and Development)  
62, com changed 104, Com 218, 1213
- HB 325-FN-A, relative to the distribution of sweepstakes revenues.  
(Robinson of Hil. 12 et al - To Ways and Means)  
62, Approp 193, am 828, psd 847, S conc 956, enr 1039 (Chapter 201)
- HB 326-FN-A, establishing homemaker services for certain persons and making an appropriation therefor. (Hager of Mer. 21; Wixson of Bel. 5 - To Health and Human Services)  
62, Approp 248, psd 828, 847, conc S am 997, enr 1129 (Chapter 309)

- HB 327-A, relative to funding for a pulp and paper technology program at the New Hampshire vocational-technical college at Berlin. (Walker of Rock. 17 et al - To Education)  
62, com changed 105, am & Approp 226-227, psd 605, 614, conc S am 873, enr 959 (Chapter 177)
- HB 328-FN-A, relative to business profits tax liens. (Ahrens of Hil. 13 - To Judiciary)  
62, psd 168, 179, S conc 648, enr 852 (Chapter 47)
- HB 329-A, relative to estimated tax payments for railroads and public utilities. (Ahrens of Hil. 13 - To Ways and Means)  
62, am 533-534, psd 598, S conc 871, enr am 937, enr 959 (Chapter 178)
- HB 330-FN-A, relative to an exception to the real estate transfer tax. (Hayes of Mer. 21 - To Ways and Means)  
62, Com 534, 1213
- HB 331-FN-A, increasing the interest and dividends tax exemption. (Schmidtchen of Rock. 23 - To Ways and Means)  
63, Com 370, 1213
- HB 332-FN-A, relative to full-time marital masters and making an appropriation therefor. (Chretien of Hil. 33; Jones of Hil. 20 - To Judiciary)  
63, Approp 253, K 828
- HB 333-FN-A, relative to video poker machines. (Pantelakos of Rock. 24 - To Regulated Revenues)  
63, K 171
- HB 334-FN-A, relative to the out-of-state student incentive program and making an appropriation therefor. (Riley of Ches. 5 et al - To Education)  
63, Approp 194, K 635
- HB 335-FN-A, relative to the business profits tax on the sale of a corporation. (Dickinson of Car. 2 et al - To Ways and Means)  
63, K 301
- HB 336-FN-A, requiring permits for projects affecting the water quality of the surface waters or groundwaters of the state and making an appropriation therefor. (Whittemore of Mer. 10 - To Resources, Recreation and Development)  
First new title: requiring permits for projects affecting the water quality of the surface waters or groundwaters of the state and making an appropriation therefor and providing for administrative fines for septic system violations.  
Second new title: requiring permits for projects affecting the water quality of the surface waters or groundwaters of the state and providing for administrative fines for septic system violations.  
63, am & Approp 230-232, am 666-667, psd 675, S nonconc 957
- HB 337-FN-A, establishing an education equalization fund. (Rehlander of Mer. 8 - To Education)  
63, Com 194, 1213
- HB 338-FN-A, relative to the senior companions and foster grandparents programs and making an appropriation therefor. (Townsend of Sul. 1; Sen. Nelson - To Children, Youth and Elderly Affairs)  
63, Approp 182, psd 667, 675, S conc 994, enr 1058 (Chapter 234)

- HB 339-FN-A, relative to lead paint abatement and making an appropriation therefor. (Fraser of Mer. 6 et al - To Health and Human Services)  
New title: relative to lead paint abatement.  
63, Approp 248, am 667, psd 675, S conc 957, enr 1039 (Chapter 202)
- HB 340-FN-A, establishing a child care facilities fund. (Cushing of Rock. 14 - To Children, Youth and Elderly Affairs)  
63, Com 182, 1213
- HB 341-FN, relative to educational activities by the liquor commission and making an appropriation therefor. (Lefebvre of Hil. 29 - To Regulated Revenues)  
63, rem 160, K 174-175
- HB 342-FN-A, providing funds for towns and cities and making an appropriation therefor. (Hess of Mer. 9 - To Ways and Means)  
63, K 606
- HB 343-FN-A, relative to the mooring of boats on the lakes and ponds in the state and making an appropriation therefor. (Locke of Bel. 6 - To Resources, Recreation and Development)  
63, Com 192, 1213
- HB 344-FN-A, relative to the probate courts, the salaries of probate judges, and making an appropriation therefor. (Arnesen of Graf. 7 - To Judiciary)  
63, K 221
- HB 345-FN-A, relative to salaries of probate judges and the sessions of probate courts and making an appropriation therefor. (Gage of Rock. 13 et al - To Judiciary)  
63, am & Approp 253-257, am 680-682, psd 846, nonconc S am, conf 999, 1052, rep adop 1080, enr am 1131-1132, enr 1192 (Chapter 384)
- HB 346-FN-A, establishing a tax on illegal drugs and relative to criminal drug penalties. (Proulx of Str. 2 - To Ways and Means)  
63, Com 534, 1213
- HB 347-FN-A, relative to the dental hygienist program at the New Hampshire technical institute and making an appropriation therefor. (Fillion of Mer. 15 - To Education)  
63, Approp 243, psd 618, 643, S conc 994, enr 1058 (Chapter 235)
- HB 348-FN-A, relative to the division for children and youth services and appropriating funds for certain employee benefits. (Parker of Ches. 11 - To Children, Youth and Elderly Affairs)  
New title: relative to the superintendent of the Anna Philbrook Center and making an appropriation therefor.  
63, am & Approp 239-240, psd 618, 643, nonconc S am, conf 989, S rej conf 999, S conf 1051, rep adop 1082, 1083, enr 1129 (Chapter 312)
- HB 349-FN-A, relative to special education and certified programs for children and youth in out-of-home placements and making an appropriation therefor. (Parker of Ches. 11 - To Children, Youth and Elderly Affairs)  
New title: relative to special education and certified programs for children and youth in out-of-home placements.  
63, am & Approp 464-467, am 682-683, psd 846 (K)

- HB 350-FN-A, relative to costs for educationally handicapped students and making an appropriation therefor. (Arnott of Ches. 14; Blacketer of Ches. 12 - To Education)  
New title: making an appropriation for catastrophic aid.  
64, am & Approp 217-218, K 683
- HB 351-FN-A, establishing a special needs housing task force and making an appropriation therefor. (Rehlander of Mer. 8; Bourque of Hil. 35 - To State Institutions and Housing)  
64, Com 193, 1214
- HB 352-FN-A, relative to the return of revenue to cities and towns. (Hager of Mer. 21 et al - To Ways and Means)  
64, am & Approp 587-588, psd 598, recon & Approp 603, Com 828-829, 1214
- HB 353-FN-A, relative to condominium conversions and assessing a condominium conversion tax. (Reardon of Hil. 37 - To State Institutions and Housing)  
64, Com 193, 1214
- HB 354-FN-A, relative to the Franklin-Laconia connector and making an appropriation therefor. (Whittemore of Mer. 10; Dexter of Bel. 8 - To Public Works)  
64, Approp (RC) 260-261, am (RC) 829-831, psd 847, S Com 994, 1229
- HB 355-FN-A, relative to the assumption of local probation functions by the state and making an appropriation therefor. (Sytek of Rock. 20 et al - To Judiciary)  
New title: relative to the assumption of local probation functions by the state and making an appropriation therefor; determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor; relative to special education and certified programs for children and youth in out-of-home placements; and relative to foster family homes and making an appropriation therefor and establishing a committee on foster families.  
64, am & Approp 257-259, am 832-834, psd 847, nonconc S am conf 1013, 1051, rep adop 1114, 1115, enr am 1182-1183, enr 1194, appointments 1219, 1226 (Chapter 402)
- HB 356-FN-A, establishing a real estate speculation capital gains tax. (Weddle of Rock. 24 - To Ways and Means)  
64, K 423
- HB 357-FN-A, relative to respite care in area agencies and making an appropriation therefor. (Derosier of Hil. 26 et al - To Health and Human Services)  
64, Approp 248-249, psd 659, 674, conc S am 997, enr 1129 (Chapter 313)
- HB 358-FN-A, relative to a special needs housing loan fund and making an appropriation therefor. (Rehlander of Mer. 8 - To State Institutions and Housing)  
64, Com 193, 1214
- HB 359-FN-A, relative to medicaid rates in certified nursing homes and making an appropriation therefor. (Parks of Str. 6 et al - To Health and Human Services)  
64, Com 249, 1214

- HB 360-FN-A, relative to the task force studying the classified personnel system for state government and making an appropriation therefor. (Bates of Str. 1 - To Appropriations)  
64, K 351
- HB 361-FN-A, redefining references to the United States Internal Revenue Code for purposes of the business profits tax. (Ahrens of Hil. 13 - To Ways and Means)  
64, psd 534, 598, nonconc S am 1038, recon rej (RC) 1068-1070
- HB 362-FN-A, relative to returns and taxable meals under the meals and rooms tax. (Ahrens of Hil. 13 - To Ways and Means)  
64, psd 237, 272, S conc 917, enr 959 (Chapter 189)
- HB 363-FN-A, relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes. (Ahrens of Hil. 13 - To Ways and Means)  
New title: relative to estimated tax filing requirements under the bank, franchise, and interest and dividends taxes, and creating a division of automated information systems in the department of revenue administration.  
64, am 387-388, psd 391, S conc 957, enr 1057 (Chapter 236)
- HB 364-FN-A, establishing an air toxics control program within the division of air resources, department of environmental services, and making an appropriation therefor. (Shriver of Hil. 11 - To Environment and Agriculture)  
64, am & Approp 218-219, am 605-606, psd 614, conc S am 1047, enr am 1084, enr 1193 (Chapter 314)
- HB 365-FN-A, relative to a motor vehicle excise tax system. (Hayes of Mer. 21 - To Transportation)  
64, rem 215, Com 271, 1214
- HB 366-FN-A, making a supplemental appropriation to the University of New Hampshire cooperative extension service. (Sherburne of Rock. 2 et al - To Appropriations)  
New title: making supplemental appropriations to the University of New Hampshire cooperative extension service, and to the board of veterinary medical examiners.  
64, am 371-372, psd 391, S conc 917, enr 1039 (Chapter 203)
- HB 367-FN-A, making a supplemental appropriation to the University of New Hampshire cooperative extension service. (Sherburne of Rock. 2 et al - To Appropriations)  
New title: establishing a study committee to examine the cooperative extension service.  
64, am 683-684, psd 846, S conc 1049, enr 1129, Appointments 1219 (Chapter 315)
- HB 368-FN-A, increasing the AFDC shelter allowance and making an appropriation therefor. (Spaulding of Sul. 6; Holmes of Mer. 13 - To Children, Youth and Elderly Affairs)  
64, am & Approp 240, K 684
- HB 369-FN-A, relative to the rate of the business profits tax. (Grip of Hil. 7 et al - To Ways and Means)  
65, Com 534, 1214
- HB 370-FN-A, relative to employment opportunity and making an appropriation therefor. (King of Graf. 12 et al - To Health and Human Services)



New title: relative to employment opportunity.

65, am & Approp 249-250, am 834-835, psd 847, conc S am 1047, enr am 1131, enr 1192, veto overridden (RC) 1198-1201, S sustained veto 1208

- HB 371-FN-A, relative to the compromise of an action against the state and making an appropriation therefor. (Kidder of Mer. 2 - To Appropriations)  
65, am 351, psd 390, S conc 677, enr 868 (Chapter 78)
- HB 372-FN-A, relative to the regulation of first and second mortgage home loans and making an appropriation therefor. (Lindblade of Sul. 5; Pantzer of Mer. 11 - To Commerce, Small Business and Consumer Affairs)  
65, K 313
- HB 373-FN-A, relative to family life education and making an appropriation therefor. (Wadsworth of Graf. 13 et al - To Education)  
65, rem 181, am & Approp 200-201, psd 635, 644, S IP 957
- HB 374-FN-A, permitting the operation of on-line video poker machines at certain facilities and making an appropriation therefor. (D'Amante of Sul. 7 - To Regulated Revenues)  
65, rem 182, Com 202, 1214
- HB 375-FN-A, establishing incentives for day care centers. (Hawkins of Bel. 5 et al - To Children, Youth and Elderly Affairs)  
65, Com 182-183, 1214
- HB 376-FN-A, relative to Alzheimer's disease and related disorders and making an appropriation therefor. (Mason of Hil. 8 et al - To Health and Human Services)  
69, am & Approp 250-251, psd 659, 674, S conc 994, enr 1057 (Chapter 237)
- HB 377, to liquidate encumbrances and lapse available balances on certain capital accounts. (LaMott of Graf. 5; Matson of Ches. 7 - To Appropriations)  
69, psd 351, 390, S conc 677, enr 868 (Chapter 70)
- HB 378, relative to boating on Iona Lake in the town of Albany and Middle Pea Porridge Pond in the town of Madison and Big Pea Porridge Pond in the towns of Madison and Conway. (Holmes of Car. 3 - To Resources, Recreation and Development)  
69, K 232-233
- HB 379-FN, establishing state owned public land preserves. (Dexter of Bel. 8 - To Resources, Recreation and Development)  
First new title: relative to public land preservation.  
Second new title: relative to the retention of certain state-owned lands.  
69, am 517-518, psd 598, conc S am 996, enr 1118 (Chapter 316)
- HB 380, relative to inclusion of roadways in manufactured housing parks in the definition of a "way". (Lussier of Str. 8 - To Municipal and County Government)  
69, K 224
- HB 381-FN, relative to growth limitation. (Gage of Rock. 20 - To Municipal and County Government)  
69, Com 298, 1214



- HB 382, relative to boating law enforcement. (Jensen of Bel. 6 - To Resources, Recreation and Development)  
69, am 233, psd 272, S conc 917, enr am 1087, 1088, enr 1129 (Chapter 317)
- HB 383-FN, relative to road tolls. (Gordon of Ches. 5 et al - To Transportation)  
69, psd 369, 391, conc S am 873, enr 959 (Chapter 179)
- HB 384, limiting contributions from political committees to candidates to \$100. (Maviglio of Bel. 1 - To Constitutional and Statutory Revision)  
69, K 351
- HB 385, relative to public amusements. (Green of Hil. 36 - To Commerce, Small Business and Consumer Affairs)  
69, K 446
- HB 386, adopting the uniform trade secrets act. (Grip of Hil. 7 - To Commerce, Small Business and Consumer Affairs)  
69, K 279
- HB 387, relative to small employers. (Routhier of Hil. 47 - To Labor, Industrial and Rehabilitative Services)  
69, K 573
- HB 388, relative to siting of low-level radioactive waste disposal facilities. (Robinson of Mer. 3 - To Environment and Agriculture)  
69, Com 410, 1214
- HB 389, relative to postsecondary educational requirements for funeral directors. (Robinson of Mer. 3 - To Education)  
69, com changed 139, Com 508, 1214
- HB 390, relative to damages recoverable for non-economic loss in personal actions. (Nagel of Rock. 20 - To Judiciary)  
69, Com 459, 1214
- HB 391, creating a division of agricultural development in the department of agriculture using currently available funding and personnel. (Schotanus of Sul. 1 et al - To Environment and Agriculture)  
69-70, psd 410, 443, S conc 917, enr 934 (Chapter 149)
- HB 392, relative to donated sick leave within the department of postsecondary vocational-technical education. (McGovern of Rock. 27 - To Executive Departments and Administration)  
70, K 221
- HB 393, relative to actions to determine the existence or extent of insurance coverage. (Nixon of Hil. 6 - To Commerce, Small Business and Consumer Affairs)  
New title: establishing the availability of the remedy of declaratory judgment to determine the coverage of a liability insurance policy in the federal district court.  
70, am 501-502, psd 597, S conc 872, enr 934 (Chapter 150)
- HB 394, permitting persons covered by a group health policy to obtain an individual policy with identical limits upon termination of the group policy. (Nixon of Hil. 6 - To Commerce, Small Business and Consumer Affairs)  
70, K 396

- HB 395, relative to horsepower of motors used on Glen Lake in the town of Goffstown. (Nixon of Hil. 6 - To Resources, Recreation and Development)  
70, Com 368, 1214
- HB 396-FN, authorizing special license plates for district court justices. (Fields of Hil. 13; Kelley of Hil. 13 - To Transportation)  
70, K 369
- HB 397, changing the time for counting absentee ballots. (Korcoulis of Hil. 38 - To Constitutional and Statutory Revision)  
New title: changing the time for counting absentee ballots and requiring the posting of the time for commencement of counting absentee ballots.  
70, am 408, psd 443, S nonconc 872
- HB 398, relative to custody and support orders. (Lown of Hil. 9 - To Judiciary)  
70, am 487-488, psd 498, S study 872, 1229
- HB 399, clarifying that the prison sentence for a second or subsequent DWI offense shall be served on 7 consecutive days. (Chandler of Mer. 21 - To Judiciary)  
70, K 289
- HB 400, relative to qualifications of the bank commissioner, deputy bank commissioner, and professional personnel of the banking department. (Pantzer of Mer. 11; Lindblade of Sul. 5 - To Commerce, Small Business and Consumer Affairs)  
70, K 502
- HB 401-FN, relative to video tape depositions. (Lozeau of Hil. 25 - To Judiciary)  
70, Com 289, 1214
- HB 402, relative to habitual offenders. (Fields of Hil. 13 et al - To Transportation)  
70, psd 528-529, 598, conc S am 987, enr 1059 (Chapter 238)
- HB 403-FN, clarifying penalty provisions for violations of local codes and regulations, relative to district court jurisdiction over such penalties, and enabling district court judges to issue temporary orders enjoining violations of local land use regulations. (Lown of Hil. 9 et al - To Judiciary)  
70, am 459-460, psd 498, S com 918, 1229
- HB 404-FN, establishing a road pay-back fee system. (Smith of Hil. 21 et al - To Municipal and County Government)  
70, am & Com 42/-431, 1214
- HB 405, establishing a presumption of negligence for liability resulting from a nuclear incident. (Chambers of Graf. 12 et al - To Science, Technology and Energy)  
70, am 493, psd 498, S nonconc 918
- HB 406, relative to the priority of unpaid employee wages in insolvency proceedings. (Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)  
70, psd 294-295, 344, S nonconc 1050

- HB 407-FN, amending the way in which the town of Londonderry shall collect its taxes for fiscal years 1987-1994. (Wright of Rock. 23 et al - To Municipal and County Government)  
70, am 417-418, psd 443, S conc 957, enr 1039 (Chapter 204)
- HB 408-FN, relative to establishing a uniform fine schedule for boating violations. (Jensen of Bel. 6 et al - To Resources, Recreation and Development)  
70, am 368-369, psd 391, S conc 917, enr am 1036, enr 1057 (Chapter 239)
- HB 409, requiring a grace period on finance charges imposed on credit card purchases. (Arnesen of Graf. 7 - To Commerce, Small Business and Consumer Affairs)  
71, Com 372, 1214
- HB 410, providing for representatives from certain sending districts on school boards. (Shriver of Hil. 11 - To Education)  
71, K 453
- HB 411-FN, relative to DWI penalties and sentencing. (Lussier of Str. 8; Gage of Hil. 6 - To Judiciary)  
71, Com 460, 1214
- HB 412, relative to the residency requirement for persons running for the office of state representative. (Vaughn of Rock. 27 - To Constitutional and Statutory Revision)  
71, K 424
- HB 413, changing the hours for holding sessions for the correction of the checklist. (Cressy of Rock. 16 - To Constitutional and Statutory Revision)  
71, K 351-352
- HB 414, relative to reckless conduct. (Eaton of Ches. 4 - To Judiciary)  
71, K 289
- HB 415, relative to motor vehicle weights. (Arnesen of Graf. 7 - To Transportation)  
71, K 583
- HB 416, concerning the presumption of procedural compliance in the enactment of municipal legislation. (Harrington of Hil. 7 - To Municipal and County Government)  
71, am 365, psd 390, S study 933, 1229
- HB 417, prohibiting discrimination against podiatrists. (Holmes of Mer. 13 et al - To Health and Human Services)  
71, Com 355, 1214
- HB 418, relative to mutual holding companies. (Pantzer of Mer. 11 et al - To Commerce, Small Business and Consumer Affairs)  
71, am 279, psd 343, S Com 1050, recon, S nonconc 1080
- HB 419-FN, relative to smoking in public places and in the work place. (Arnett of Ches. 14 - To Health and Human Services)  
71, K 355
- HB 420, restricting power boats on Pemigewasset Lake in the towns of New Hampton and Meredith. (Maviglio of Bel. 1 et al - To Resources, Recreation and Development)

New title: restricting power boats on Hermit Lake in the town of Sanbornton and requiring the division of safety services to make a study and hold a hearing relative to boating on Lake Pemigewasset in the towns of New Hampton and Meredith.

71, am 299, psd 344, S conc 917, enr am 959-960, enr 1129 (Chapter 385)

HB 421, permitting the appointment of alternate members to conservation commissions. (Maviglio of Bel. 1 - To Resources, Recreation and Development)

First new title: permitting the appointment of alternate members to conservation commissions, and clarifying the authority of conservation commissions to spend funds appropriated to them.

Second new title: relative to conservation commissions.

71, am 299-300, psd 344, conc S am 988-989, enr 1118 (Chapter 318)

HB 422-FN, creating a committee to study and revise the laws pertaining to elderly persons. (Townsend of Sul. 1 et al - To Children, Youth and Elderly Affairs)

71, am 277, psd 343, conc S am 677, enr 869, appointments 1219 (Chapter 71)

HB 423, relative to qualifications for registering to vote. (Reardon of Hil. 37 - To Constitutional and Statutory Revision)

71, K 424-425

HB 424, relative to the fixing of public utility rates by the public utilities commission. (Hall of Mer. 7 - To Commerce, Small Business and Consumer Affairs)

71, Com 535, 1214

HB 425-FN, relative to the powers of the adult parole board and credits for good conduct. (Parker of Ches. 11 - To Judiciary)

71, am 289-290, psd 344, S conc 917, enr 958 (Chapter 180)

HB 426, allowing the rendition pursuant to the Interstate Compact on Juveniles of a juvenile charged with delinquency. (Parker of Ches. 11 - To Children, Youth and Elderly Affairs)

71, psd 313, 344, S conc 648, enr 852 (Chapter 48)

HB 427, relative to the powers of arrest of probation-parole officers. (Parker of Ches. 11 - To Judiciary)

71, K 290

HB 428, providing adult probation-parole officers with powers of arrest in criminal matters. (Parker of Ches. 11 - To Judiciary)

71, K 290

HB 429, allowing the commissioner of corrections to delegate authority in his absence to the assistant commissioner. (Parker of Ches. 11 - To State Institutions and Housing)

71, com changed 139, Com 543, 1214

HB 430, relative to school employees upon district reorganization. (Robinson of Mer. 3 - To Education)

71, Com 453, 1214

HB 431, relative to treasury deposits. (Ahrens of Hil. 13 - To Ways and Means)

71, psd 301, 344, S conc 648, enr 852 (Chapter 49)

- HB 432, authorizing licensed practical nurses to administer medication to inmates of correctional institutions. (Ahrens of Hil. 13 - To Health and Human Services)  
71, Com 416, 1214
- HB 433, relative to the termination of county employees. (Ahrens of Hil. 13 - To Municipal and County Government)  
72, psd 365, 390, nonconc S am, conf 1038, 1051, S nonconc conf rep 1115
- HB 434, relative to the public employee labor relations board. (Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)  
72, psd 186, 212, nonconc S am, conf 1037, 1051, 1057, IP 1209
- HB 435-FN, creating a committee to study head injuries in New Hampshire. (Zis of Hil. 28 - To Health and Human Services)  
First new title: creating a committee to study head injuries in New Hampshire and relative to health care for indigent.  
Second new title: creating a committee to study head injuries in New Hampshire and relative to health care for the indigent.  
72, am 416, psd 443, conc S am 850, enr am 937-938, enr 955, recall 974, recon, nonconc S am, conf 976, 1051, rep adop 1074, enr 1129, appointments 1219 (Chapter 319)
- HB 436, relative to insurance coverage for home health care. (Butler of Rock. 11 - To Commerce, Small Business and Consumer Affairs)  
72, psd 502, 597, S Com 918, 1229
- HB 437, relative to motorboat and jet ski operation. (Brown of Bel. 4; Jensen of Bel. 6 - To Resources, Recreation and Development)  
72, am 518-519, psd 598, nonconc S am, conf 1037, nonconc conf req 1047
- HB 438, relative to applicants for armed security guard and armed private detective licenses. (Malcolm of Rock. 17 - To Public Protection and Veterans Affairs)  
72, psd 225, 272, S conc 957, enr 1039 (Chapter 205)
- HB 439, relative to child passenger restraints. (Malcolm of Rock. 17 - To Transportation)  
72, psd 529, 598, conc S am 987, enr 1059 (Chapter 240)
- HB 440, relative to intrastate motor carriers. (Malcolm of Rock. 17 - To Transportation)  
72, am 583, psd 598, nonconc S am, conf 989, 995, new conf 1117, 1118, rules suspended & rep adop 1125-1126, enr am 1183-1184, enr 1194 (Chapter 403)
- HB 441, relative to cremation. (Carpenito of Rock. 20 - To Health and Human Services)  
72, K 355
- HB 442, extending certain temporary rulemaking authority of the commissioner of labor. (Nichols of Mer. 2 - To Labor, Industrial and Rehabilitative Services)  
72, am 356, psd 390, S conc 917, enr 934 (Chapter 140)
- HB 443, relative to the composition of a master plan. (Brungot of Coos 8; Dykstra of Hil. 39 - To Municipal and County Government)  
72, K 365-366

- HB 444, relative to discovery in criminal cases. (Eaton of Ches. 4; Johnson of Mer. 5 - To Judiciary)  
72, K 290
- HB 445, relative to the taking of depositions by criminal defendants. (Eaton of Ches. 4; Johnson of Mer. 5 - To Judiciary)  
72, K 460
- HB 446, relative to the registration of partnerships and corporations. (Reardon of Hil. 37 - To Commerce, Small Business and Consumer Affairs)  
72, am 279-281, psd 343, conc S am 1039, enr am 1186, enr 1194 (Chapter 393)
- HB 447, relative to the right to know law. (Koromilas of Str. 6 - To Judiciary)  
72, Com 488, 1214
- HB 448, relative to mandatory liability coverage. (Dexter of Bel. 8 - To Commerce, Small Business and Consumer Affairs)  
72, K 446
- HB 449, relative to disciplinary actions for sexual misconduct of psychotherapists and a duty to report sexual misconduct of psychotherapists. (Dexter of Bel. 8 - To Health and Human Services)  
72, am 480-482, psd 498, S study 849, 1229
- HB 450, relative to the speed limit on state highways. (Hoar of Rock. 6 - To Transportation)  
72, K 529
- HB 451, relative to sterilization and abortion. (Dexter of Bel. 8; Sen. Hounsell - To Health and Human Services)  
72, LT 483, IP 1208
- HB 452, relative to a provisional drivers' licensing program for persons under 18. (Malcolm of Rock. 17; Haynes of Rock. 9 - To Transportation)  
72, Com 370, 1214
- HB 453, relative to appointment procedures for the wetlands board. (Bardsley of Mer. 1 - To Environment and Agriculture)  
72, K 425
- HB 454, relative to proof of exceptions. (Gage of Rock. 13 - To Judiciary)  
72, psd 320, 345, conc S am 873, enr 959 (Chapter 181)
- HB 455, relative to criminal mischief. (Gage of Rock. 13 - To Judiciary)  
72, psd 460, 498, conc S am 873, enr 959 (Chapter 182)
- HB 456-FN, relative to interference with burial grounds and unlawful possession or sale of gravestones. (Bardsley of Mer. 1 et al - To Public Protection and Veterans Affairs)  
91, am 461-462, psd 498, S conc 872, enr 914 (Chapter 107)
- HB 457, requiring notice to certain abutters for certain proposed zoning ordinance amendments. (Dykstra of Hil. 39 - To Municipal and County Government)  
91, K 515



- HB 458-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations. (Gage of Rock. 13 et al - To Municipal and County Government)  
91, am 224, psd 272, S conc 994, enr 1058, veto sustained (RC)  
1201-1203
- HB 459, relative to real estate trust accounts. (King of Graf. 6 et al - To Commerce, Small Business and Consumer Affairs)  
91, K 502
- HB 460, relative to distributing political campaign literature at polling places on election day. (Hoar of Rock. 6 - To Constitutional and Statutory Revision)  
91, K 425
- HB 461, relative to the corporate relations between electric power generators and distributors. (Hall of Mer. 7 - To Science, Technology and Energy)  
91, Com 463, 1214
- HB 462-FN, to provide New Hampshire Purple Heart recipients with special commemorative license plates. (Sytek of Rock. 20 et al - To Transportation)  
91, am 583-584, psd 598, S conc 871, enr 914 (Chapter 108)
- HB 463, relative to quality assurance confidentiality. (Densmore of Graf. 3 - To Health and Human Services)  
91, K 426
- HB 464, relative to the prudential affairs of a town. (Cushing of Rock. 14; Weddle of Rock. 24 - To Municipal and County Government)  
91 K (RC) 379-381
- HB 465, relative to the protection of employees who report violations of law or refuse to execute illegal directives. (Cushing of Rock. 14; Young of Ches. 1 - To Labor, Industrial and Rehabilitative Services)  
91, psd 573, 598, S conc 1049, enr am 1135, enr 1193 (Chapter 386)
- HB 466-FN, prohibiting any town or school district from holding an election on the day state elections are held. (MacDonald of Rock. 7 - To Constitutional and Statutory Revision)  
91, psd 372, 391, S nonconc 994
- HB 467-FN, changing the cost-sharing formula for the Tilton and Northfield union school district. (Randall of Bel. 3 et al - To Education)  
91, Com 454, 1214
- HB 468-FN, prohibiting state funding of direct abortions. (Granger of Hil. 13 et al - To Health and Human Services)  
91, K (RC) 426
- HB 469, relative to a condominium conversion assistance plan. (Weddle of Rock. 24 - To State Institutions and Housing)  
91, K 369
- HB 470, establishing a department of commerce. (Ward of Graf. 1 et al - To Executive Departments and Administration)  
New title: establishing a department of commerce and establishing an international trade study commission.  
91, am 474-479, psd 498, S nonconc 1050

- HB 471-FN, prohibiting smoking in public elementary and secondary educational facilities. (Buckley of Hil. 42 et al - To Health and Human Services)  
91, K 483
- HB 472, relative to the siting of manufactured housing. (Gage of Rock. 20 et al - To Municipal and County Government)  
92, psd 573, recon & Com 597, 1214
- HB 473, relative to the recall of local officials. (Shriver of Hil. 11 - To Constitutional and Statutory Revision)  
92, com changed 139, 180, K 408
- HB 474-FN, relative to solicitations for charitable purposes. (Harrington of Hil. 7 et al - To Commerce, Small Business and Consumer Affairs)  
92, psd 281, 344, conc S am 940, enr am 1036-1037, enr 1077 (Chapter 260)
- HB 475, relative to required access to land for a building permit. (Arnesen of Graf. 7 - To Municipal and County Government)  
92, K 515-516
- HB 476, relative to payment of a borrower's property taxes and insurance by a home mortgage lender. (Arnesen of Graf. 7 - To Commerce, Small Business and Consumer Affairs)  
92, K 446
- HB 477-FN, relative to tuition for regional vocational education. (McCain of Rock. 11 - To Education)  
92, Com 454, 1214
- HB 478-FN, relative to court-ordered counseling. (Jacobson of Mer. 2 - To Judiciary)  
92, Com 460, 1214
- HB 479, relative to delaying condominium conversions following certain rental increases. (Weddle of Rock. 24 - To State Institutions and Housing)  
First new title: relative to a foster parents ombudsman council.  
Second new title: relative to a foster parents ombudsman council and relative to condominium conversions.  
92, am 369, psd 391, nonconc S am, conf 1045, 1051, rep adop 1115, 1117, enr am 1135-1136, enr 1192 (Chapter 320)
- HB 480, recodifying the county corrections laws. (Hawkins of Bel. 5 - To Municipal and County Government)  
92, am 366-367, psd 390, S com 918, 1229
- HB 481, relative to nutrition and medical treatment of children. (Granger of Hil. 13; Gagnon of Hil. 29 - To Children, Youth and Elderly Affairs)  
92, K 277
- HB 482, relative to the charter of Wentworth-Douglass Hospital. (Torr of Str. 6 et al - To Municipal and County Government)  
92, psd 367, 391, S conc 677, enr am 876, enr 934 (Chapter 141)
- HB 483, relative to search warrants issued over the telephone. (Eaton of Ches. 4 - To Judiciary)  
92, K 320-321

- HB 484, relative to placement and usage of electronic speed monitoring devices. (Durant of Hil. 32 - To Transportation)  
92, rem 501, K 594
- HB 485, relative to the issuance of warrants. (Durant of Hil. 32 - To Judiciary)  
92, K 460
- HB 486, requiring contractors excavating highways to be bonded. (Lefebvre of Hil. 29; Guilbert of Hil. 24 - To Public Works)  
92, K 368
- HB 487, relative to the membership of the Hillsborough county executive committee. (Ahrens of Hil. 13 - To Municipal and County Government)  
92, K 516
- HB 488, relative to the department of revenue administration. (West of Mer. 21 - To Executive Departments and Administration)  
92, am 352-353, psd 390, S conc 871, enr 914 (Chapter 109)
- HB 489-FN, establishing an arbitration board for manufactured housing parks. (Lussier of Str. 8 - To State Institutions and Housing)  
92, K 369
- HB 490-FN, creating a committee to study taxes paid by tenants who own manufactured housing in manufactured housing parks. (Lussier of Str. 8 - To Municipal and County Government)  
92, K 367
- HB 491, relative to the police powers of safety inspectors and bingo and lucky 7 inspectors. (Haynes of Rock. 9; Gordon of Ches. 5 - To Regulated Revenues)  
92, K 463
- HB 492, relative to motor vehicle titles and dealer bonds. (Haynes of Rock. 9; Gordon of Ches. 5 - To Transportation)  
First new title: relative to motor vehicle certificates of origin, joint ownership, and fraud.  
Second new title: relative to motor vehicle certificates of origin, joint ownership, and fraud; and relative to motor vehicle titles and dealer bonds.  
92, am 529-530, psd 598, conc S am 987, enr 1059 (Chapter 263)
- HB 493-FN, establishing a committee to study the potential development of a state park in the Kona Wildlife Area in Moultonborough. (Phelps of Mer. 1; Sen. St. Jean - To Resources, Recreation and Development)  
92, am 421, psd 443, S nonconc 957
- HB 494, relative to the rights of tenants to receive cable television. (Gage of Rock. 20; O'Rourke of Hil. 35 - To Commerce, Small Business and Consumer Affairs)  
92, Com 535, 1214
- HB 495, relative to the sweepstakes commission. (Ford of Hil. 24 et al - To Regulated Revenues)  
93, K 227
- HB 496, relative to the regulation and restoration of excavations which existed on or before August 24, 1979. (King of Rock. 4 - To Environment and Agriculture)  
93, Com 410, 1214

- HB 497, establishing a committee to study granting municipalities the option of setting their own tax rates. (Wright of Rock. 23; Conroy of Rock. 7 - To Municipal and County Government)  
93, am 418-419, psd 443, S conc 871, enr 914, appointments 1220 (Chapter 110)
- HB 498, relative to butter substitutes. (Cressy of Rock. 16 - To Health and Human Services)  
93, K 355
- HB 499, relative to return of recovered property. (Cressy of Rock. 16; Mace of Rock. 26 - To Judiciary)  
93, Com 290, 1214
- HB 500, to revive the charter of the First Church (Congregational) in Jaffrey. (Grodin of Ches. 6; Sen. White - To Constitutional and Statutory Revision)  
93, psd 408-409, 443, S conc 871, enr 914 (Chapter 111)
- HB 501, enabling planning boards to delegate subdivision approval for minor lot line changes to a municipal official. (Jacobson of Hil. 26 et al - To Municipal and County Government)  
93, K 298
- HB 502, delegating site plan review powers to special site review committees. (Jacobson of Hil. 26 et al - To Municipal and County Government)  
93, Com 367, 1214
- HB 503, relative to regulation of existing weirs. (Blanchette of Rock. 12 - To Fish and Game)  
93, am 287-288, psd 344, conc S am 911, enr 914, veto overridden (RC) 1053-1054, veto overridden S 1062 (Chapter 192)
- HB 504, permitting a person to be the candidate of only one party. (Theriault of Coos 8 - To Constitutional and Statutory Revision)  
93, rem 395, Com 437-438, 1214
- HB 505, relative to pharmacy patient profile records. (Robinson of Hil. 12 - To Health and Human Services)  
93, Com 483-484, 1214
- HB 506, relative to nepotism by public employers. (Robinson of Hil. 12 - To Municipal and County Government)  
93, K 367
- HB 507, making English the official language of the state of New Hampshire. (Schofield of Car. 4 et al - To Education)  
93, K 472
- HB 508, authorizing transfers within a program appropriation unit of the department of health and human services. (LaMott of Graf. 5 - To Executive Departments and Administration)  
93, com changed 139, Approp 355, psd 618, 643, nonconc S am, conf 1046, 1061, rep adop 1115, 1116, enr 1194 (Chapter 413)
- HB 509, relative to boat maintenance or repair plates. (Brown of Bel. 4 - To Transportation)  
93, psd 530, 598, S conc 917, enr am 1035, enr 1057 (Chapter 241)

- HB 510, relative to blood alcohol testing in the event of a motor vehicle fatality. (Eaton of Ches. 4 - To Judiciary)  
93, Com 460, 1214
- HB 511, establishing minimum requirements for motor vehicle liability coverage. (Nixon of Hil. 6 - To Commerce, Small Business and Consumer Affairs)  
93, K 502-503
- HB 512, relative to publication retention schedules for depository libraries. (Skinner of Rock. 21 - To State Institutions and Housing)  
93, K 193
- HB 513, relative to penalties for motor vehicle habitual offenders. (Holmes of Mer. 13 - To Transportation)  
93, K 530
- HB 514, relative to liability limitations for directors and officers of charitable organizations and societies. (Robinson of Hil. 12 - To Judiciary)  
93, K 355-356
- HB 515, relative to liens in favor of home health care providers. (Foster of Ches. 17 - To Commerce, Small Business and Consumer Affairs)  
93, psd 281, 344, S conc 871, enr 911 (Chapter 123)
- HB 516, relative to wiretapping in drug investigations. (MacDonald of Car. 6; Eaton of Ches. 4 - To Children, Youth and Elderly Affairs)  
93, com changed 135, K 290
- HB 517, relative to assessments for sewer rental charges. (Kidder of Mer. 2 - To Municipal and County Government)  
94, psd 516, 598, S conc 917, enr 934 (Chapter 142)
- HB 518, relative to enforcement of the underground utility damage prevention system. (Randall of Bel. 3 - To Commerce, Small Business and Consumer Affairs)  
94, psd 281, 344, conc S am 678, enr 869 (Chapter 72)
- HB 519, relative to consumer motor vehicle warranties. (Cushing of Rock. 14 - To Commerce, Small Business and Consumer Affairs)  
94, rem 445, Com 495, 1214
- HB 520, relative to parental notification of abortions. (Dexter of Bel. 8; Sen. Hounsell - To Health and Human Services)  
94, K (RC) 484-486
- HB 521, amending the New Hampshire life and health insurance guaranty association act. (Boucher of Mer. 9 - To Commerce, Small Business and Consumer Affairs)  
94, Com 351, 1215
- HB 522, relative to membership on the state party convention. (Sytek of Rock. 20; Vartanian of Rock. 20 - To Constitutional and Statutory Revision)  
94, rem 395, am 438-440, psd 443, S conc 677, enr 868 (Chapter 73)
- HB 523, relative to alternative energy purchased power recovery. (Hollingworth of Rock. 17 et al - To Science, Technology and Energy)  
94, Com 421, 1215

- HB 524-FN, creating a baccalaureate education system trust. (Boucher of Rock. 23 et al - To Education)  
94, Com 454, 1215
- HB 525-FN, relative to the compensation of town clerks and fees paid to a clerk. (Hall of Hil. 16 - To Municipal and County Government)  
94, K 516
- HB 526-FN, establishing a department of safety. (Ward of Graf. 1; Mace of Rock. 21 - To Executive Departments and Administration)  
94, psd 543, 598, S conc 648, enr am 877-879, enr 934 (Chapter 124)
- HB 527-FN, relative to prompt payments by the state. (Copenhaver of Graf. 12 et al - To Commerce, Small Business and Consumer Affairs)  
94, Com 467, 1215
- HB 528-FN, instituting a confidential system to protect engineers reporting construction safety violations. (Weddle of Rock. 24 - To Commerce, Small Business and Consumer Affairs)  
94, rem 395, am 437, psd 443, S nonconc 918
- HB 529-FN, relative to the amount of the adjusted elderly property tax exemption. (Campbell of Bel. 5 - To Municipal and County Government)  
94, K 516
- HB 530-FN, relative to assisted persons. (Young of Ches. 1 - To Health and Human Services)  
94, am 486, psd 498, conc S am 998, enr 1078 (Chapter 261)
- HB 531-FN, establishing a Portsmouth fire commission. (Pantelakos of Rock. 24; Chase of Rock. 28 - To Municipal and County Government)  
94, Com 573-574, 1215
- HB 532, allowing real estate brokers to establish interest-bearing trust accounts. (Hager of Mer. 21 - To Commerce, Small Business and Consumer Affairs)  
New title: Allowing real estate firms or brokers to establish interest-bearing trusts accounts.  
94, am 535-536, psd 598, S Com 1050, 1229
- HB 533-FN, relative to eligibility for unemployment benefits. (King of Graf. 12 - To Labor, Industrial and Rehabilitative Services)  
94, Com 509, 1215
- HB 534-FN, relative to patients' entitlements. (Cressy of Rock. 16 - To Health and Human Services)  
94, K 416
- HB 535-FN, amending the property tax sale process. (Phelps of Mer. 1; Bates of Str. 1 - To Municipal and County Government)  
94, K 367
- HB 536-FN, relative to unemployment compensation maximum weekly benefits. (King of Graf. 12; Sen. St. Jean - To Labor, Industrial and Rehabilitative Services)  
94, K 417
- HB 537-FN, relative to regulation of the practice of nursing. (Butler of Rock. 11; Sen. McLane - To Executive Departments and Administration)  
94, Com 411, 1215



- HB 538-FN, relative to required parks on plats and creating nonlapsing accounts for acquisition and development of property for recreational purposes. (Blanchette of Rock. 12 - To Resources, Recreation and Development)  
94, com changed 159, K 516
- HB 539-FN, relative to costs to be excluded from a public utility's rate base. (Daschbach of Ches. 2 - To Science, Technology and Energy)  
95, Com 432, 1215
- HB 540-FN, relative to bingo and lucky 7 licenses. (Nagel of Rock. 20 et al - To Regulated Revenues)  
95, am 298, psd 344, conc S am 989, enr am 1084, enr 1193 (Chapter 321)
- HB 541-FN, relative to developmentally disabled persons. (Butler of Rock. 11 - To Health and Human Services)  
95, psd 416-417, 443, conc S am 850, enr am 934, enr 1039 (Chapter 206)
- HB 542, relative to preferred provider agreements. (Lockwood of Mer. 6 - To Commerce, Small Business and Consumer Affairs)  
95, psd 467, 498, S conc 871, enr 914 (Chapter 112)
- HB 543-FN, relative to siting of solid waste disposal facilities. (Daschbach of Ches. 2 - To Environment and Agriculture)  
95, K 455
- HB 544-FN, increasing the limit on the state guarantee of bonds and notes of school districts. (Robinson of Hil. 12 - To Education)  
95, Approp 454, psd 667-668, 675, S conc 917, enr 958 (Chapter 191)
- HB 545, establishing a task force on homelessness. (Manus of Mer. 17 et al - To Health and Human Services)  
95, psd 417, 443, conc S am 850, enr 911, appointments 1220 (Chapter 113)
- HB 546-FN, relative to the time for closing the polls in statewide elections. (Zis of Hil. 23; Fields of Hil. 13 - To Constitutional and Statutory Revision)  
95, Com 425, 1215
- HB 547, relative to medicaid fraud and patient abuse. (Anderson of Rock. 13; Gage of Rock. 13 - To Health and Human Services)  
95, psd 459, 498, conc S am 850, enr am 935, enr 1039 (Chapter 207)
- HB 548-FN, relative to access to and use of child abuse records by schools for the purpose of investigating employees. (G. Katsakiores of Rock. 7 et al - To Education)  
95, K 454
- HB 549-FN, enabling cities and towns to establish land banks. (Malcolm of Rock. 17 - To Municipal and County Government)  
95, Com 574, 1215
- HB 550-FN, regulating investment promoters. (Lindblade of Sul. 5; Pantzer of Mer. 11 - To Commerce, Small Business and Consumer Affairs)  
95, am 468, psd 498, S conc 917, enr 958 (Chapter 183)

- HB 551-FN, relative to computer based public records. (King of Graf. 6 et al - To Executive Departments and Administration)  
95, Com 353, 1215
  
- HB 552-FN, relative to per diem increases for deputy sheriffs. (Pappas of Hil. 37 et al - To Municipal and County Government)  
New title: relative to deputy sheriffs and making an appropriation therefor.  
95, rem 395, Approp 442, am 659-660, psd 674, S conc 994, enr 1057 (Chapter 271)
  
- HB 553-FN, providing health insurance to the indigent. (Pappas of Hil. 37 et al - To Commerce, Small Business and Consumer Affairs)  
95, Com 468, 1215
  
- HB 554-FN, to revise municipal tax sale practices. (West of Mer. 21 - To Municipal and County Government)  
New title: to revise municipal tax sale practices and relative to adding 2 public members to the current use advisory board.  
95, am 381-384, psd 391, nonconc S am, conf 1045, 1051, rep adop 1114, 1116, enr 1193 (Chapter 322)
  
- HB 555-FN, allowing social clubs and sports clubs to sell lucky 7 tickets and raising the license application fee. (Rep. Blaisdell of Rock. 13; Sen. Blaisdell - To Regulated Revenues)  
New title: relative to lucky 7 tickets sold by dispenser devices.  
95, am 463, psd 498, S conc 872, enr 915 (Chapter 114)
  
- HB 556-FN, relative to recording fees. (Bates of Str. 1 - To Municipal and County Government)  
95, am 516, psd 598, S conc 872, enr 915 (Chapter 115)
  
- HB 557-FN, relative to transportation by school buses. (Copenhaver of Graf. 12 - To Education)  
95, K 454
  
- HB 558-FN, relative to collecting boat permit fees on saltwater boats. (Ware of Hil. 18 - To Transportation)  
95, K 530
  
- HB 559-FN, relative to drug testing of public employees. (Lozeau of Hil. 25; Wood of Hil. 27 - To Children, Youth and Elderly Affairs)  
95, Com 277, 1215
  
- HB 560-FN, authorizing municipalities to collect 13 months of taxes for each 12 month fiscal year. (Wright of Rock. 23 - To Municipal and County Government)  
96, rem 501, Com 594, 1215
  
- HB 561-FN, relative to provision of water supplies to victims of water supply contamination, reimbursement of the oil pollution control fund, and licensing of oil transporters. (Bowler of Bel. 2; Schwartz of Ches. 13 - To Resources, Recreation and Development)  
96, psd 431, 443, S Com 958, 1229
  
- HB 562-FN, relative to fireworks. (Welch of Rock. 10 et al - To Public Protection and Veterans Affairs)  
96, am 462, psd 498, conc S am 1047, enr am 1132, enr 1192 (Chapter 323)

- HB 563-FN, relative to water supply improvement bonds and notes issued by municipalities. (Grodin of Ches. 6; West of Mer. 21 - To Municipal and County Government)  
96, K 516-517
- HB 564-FN, authorizing any city or town to issue revenue bonds. (Grodin of Ches. 6; West of Mer. 21 - To Municipal and County Government)  
96, Com 419, 1215
- HB 565-FN, relative to off highway recreational vehicles. (Scanlan of Graf. 11 et al - To Fish and Game)  
96, am 316-317, psd 345, conc S am 648, enr 852 (Chapter 56)
- HB 566-FN, relative to the time for making property tax assessments. (Conroy of Rock. 7 et al - To Municipal and County Government)  
96, Com 574, 1215
- HB 567-FN, relative to halting the development of nuclear power in New Hampshire. (Cushing of Rock. 14 - To Science, Technology and Energy)  
96, K 432-433
- HB 568-FN, prohibiting the transportation, production, burial and storage of high-level radioactive material in the state of New Hampshire. (Cushing of Rock. 14 - To Science, Technology and Energy)  
96, am 433, psd 443, S nonconc 1050
- HB 569-FN, relative to a long range capital improvement plan and integrated data system. (Marsh of Coos 1 et al - To Public Works)  
96, rem 347, Com 388-390, 1215
- HB 570-FN, establishing a department of natural resources. (McCain of Rock. 11 et al - To Executive Departments and Administration)  
96, am 543-556, psd 598, S nonconc 1050
- HB 571-FN, relative to the certification and financial management of life care facilities. (Parks of Str. 6; Townsend of Sul. 1 - To Commerce, Small Business and Consumer Affairs)  
96, am 396-407, psd 443, S Com 1050, 1229
- HB 572-FN, relative to recycling beverage containers. (Hall of Hil. 14 - To Commerce, Small Business and Consumer Affairs)  
96, rem 445, K 495-496
- HB 573-FN, establishing a fire standards and training council within the department of postsecondary vocational-technical education. (Dexter of Bel. 8 et al - To Executive Departments and Administration)  
96, am 556-560, psd 598, S nonconc 957
- HB 574-FN, requiring all commercial and private boats to be under the federal boat numbering system. (Dickinson of Car. 2; Dionne of Str. 5 - To Transportation)  
96, com changed 212, Com 519, 1215
- HB 575-FN, relative to certification standards for laboratories. (Bardsley of Mer. 1 - To Environment and Agriculture)  
96, Approp 410, psd 660, 674, S conc 917, enr 934 (Chapter 143)
- HB 576-FN, relative to workers' compensation lump sum payments and state retirement benefits. (Fraser of Mer. 6; Blanchette of Rock. 12 - To Labor, Industrial and Rehabilitative Services)  
96, com changed 140, Approp 411, psd 668, 675, S conc 994, enr 1058 (Chapter 242)

- HB 577-FN, relative to employee leaves of absence for reserve training and public service. (Cushing of Rock. 14; O'Rourke of Hil. 35 - To Labor, Industrial and Rehabilitative Services)  
96, Com 417, 1215
- HB 578-FN, relative to unemployment compensation. (Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)  
96, am 509-512, psd 597, S conc 957, enr am 1042, enr 1057 (Chapter 243)
- HB 579-FN, relative to combining the Peterborough and Jaffrey district courts. (Bass of Hil. 7; Sen. White - To Judiciary)  
New title: relative to combining the Peterborough and Jaffrey district courts and providing for the tenure of justices when judicial districts are combined.  
97, am 291, psd 344, conc S am 873, enr am 960, enr 1059 (Chapter 244)
- HB 580-FN, relative to the semi-annual payment and collection of taxes. (Whittemore of Mer. 10 - To Municipal and County Government)  
97, K 224
- HB 581-FN, establishing minimum energy efficiency standards for appliances sold in this state. (Buckley of Hil. 42; Cushing of Rock. 14 - To Commerce, Small Business and Consumer Affairs)  
97, Com 503, 1215
- HB 582-FN, providing for regional conferences on highway related problems. (Hoar of Rock. 6; Sen. Preston - To Transportation)  
97, psd 530, 598, S conc 850, enr 869 (Chapter 79)
- HB 583-FN, relative to the compensation of probate judges. (Jones of Hil. 20 - To Judiciary)  
97, K 221
- HB 584-FN, relative to the special justice of the Pelham municipal court. (Jones of Hil. 20 - To Judiciary)  
97, am 291-292, psd 344, S conc 850, enr 869 (Chapter 80)
- HB 585-FN, requiring emissions control inspections of motor vehicles. (Greene of Rock. 18 - To Transportation)  
97, Com 423, 1215
- HB 586-FN, relative to mooring of boats on lakes and ponds in New Hampshire. (Pearson of Bel. 5 et al - To Resources, Recreation and Development)  
New title: relative to mooring of boats on certain lakes in New Hampshire.  
97, am & Approp 519-525, am 668-669, psd 675, conc S am 998, enr am 1136, enr 1192 (Chapter 324)
- HB 587-FN, relative to possession of marijuana. (Knight of Hil. 4 et al - To Children, Youth and Elderly Affairs)  
97, rem 275, Com 337, 1215
- HB 588-FN, relative to filing the interest and dividends tax return. (Schmidtchen of Rock. 23 - To Ways and Means)  
97, K 370
- HB 589-FN, relative to adjusted elderly exemptions. (Perry of Ches. 10; Lown of Hil. 9 - To Municipal and County Government)  
97, am 384-385, psd 391, conc S am 989, enr 1118, appointments 1220 (Chapter 325)

- HB 590-FN, relative to fees charged by licensing boards. (McCain of Rock. 11 - To Executive Departments and Administration)  
New title: relative to fees charged by licensing boards and creating a bureau of professional regulation in the division of public health services.  
97, am 560-569, psd 598, S nonconc 994
- HB 591-FN, relative to the retention of state election ballots. (Shriver of Hil. 11 - To Constitutional and Statutory Revision)  
97, psd 352, 390, S conc 957, enr 1039 (Chapter 208)
- HB 592-FN, relative to facilities licensed under RSA 151. (Parks of Str. 6 et al - To Health and Human Services)  
97, Com 417, 1215
- HB 593-FN, providing for criminal penalties for persons who provide alcoholic beverages to minors. (Lussier of Str. 8; Gage of Hil. 6 To Judiciary)  
97, K 292
- HB 594-FN, establishing a victims' assistance program and a victims' assistance fund. (Lussier of Str. 8; Gage of Hil. 6 - To Executive Departments and Administration)  
97, com changed 139, Com 461, 1215
- HB 595, changing the time and place for holding the first meeting of the county convention. (Chandler of Mer. 21 - To Municipal and County Government)  
97, psd 419, 443, nonconc S am, conf 989-990, 995, 1045, rep adop 1062, enr 1118 (Chapter 326)
- HB 596-FN, increasing the assets owned to qualify for the adjusted elderly exemption. (Smith of Hil. 21; Sen. Charbonneau - To Municipal and County Government)  
97, K 367
- HB 597-FN, relative to the residency requirement for the elderly, expanded elderly, and adjusted elderly property tax exemptions. (Cressy of Rock. 16 - To Municipal and County Government)  
97, psd 367-368, 391, conc S am 989, enr 1059 (Chapter 245)
- HB 598-FN, to elect the members of the public utilities commission. (Cressy of Rock. 16; Sen. Pressly - To Commerce, Small Business and Consumer Affairs)  
97, K (RC) 468-470
- HB 599, relative to notification of termination of service by a public utility. (Cressy of Rock. 16 - To Commerce, Small Business and Consumer Affairs)  
First new title: relative to submetering by master metered utility customers.  
Second new title: relative to submetering in campgrounds by master meter utility customers.  
97, am 407, psd 443, conc S am 1039, enr 1118 (Chapter 327)
- HB 600-FN, relative to OHRV fees. (Perham of Hil. 10; Scanlan of Graf. 11 - To Fish and Game)  
97, psd 479, 498, S conc 871, enr am 938, enr 959 (Chapter 190)
- HB 601-FN, relative to the salary of the director of the police standards and training council. (LaMott of Graf. 5; O'Rourke of Hil. 35 - To Public Protection and Veterans Affairs)  
98, Approp 225, K 835

- HB 602-FN, allowing a limited privilege driver's license to be issued after certain DWI license revocations. (Jacobson of Mer. 2 - To Judiciary)  
98, Com 461, 1215
- HB 603-FN, relative to a legislative commission to establish motor vehicle fines and point assessments. (Jacobson of Mer. 2 - To Transportation)  
98, K 584
- HB 604-FN, relative to compensation of sheriffs and deputy sheriffs ordered to attend the courts. (Read of Rock. 28 - To Municipal and County Government)  
98, K 419
- HB 605-FN, relative to the terms of persons committed to jails or houses of correction in default of payment of fines. (Read of Rock. 28 - To Judiciary)  
98, psd 292, 344, S conc 850, enr 869 (Chapter 81)
- HB 606-FN, relative to lock-up of children. (Parker of Ches. 11 - To Children, Youth and Elderly Affairs)  
98, Com 277-278, 1215
- HB 607-FN, increasing the personal needs allowance for recipients of medical assistance residing in nursing homes. (Warburton of Rock. 6 et al - To Health and Human Services)  
First new title: increasing the personal needs allowance for recipients of medical assistance residing in nursing homes, shared homes, and community residences, and making an appropriation therefor.  
Second new title: increasing the personal needs allowance for recipients of medical assistance residing in nursing homes, and making an appropriation therefor.  
98, Approp 378, am 835-836, psd 847, conc S am 998, enr 1118 (Chapter 328)
- HB 608-FN, relative to municipal self-insurance plans and pooled risk management programs. (Harrington of Hil. 7 et al - To Commerce, Small Business and Consumer Affairs)  
New title: relative to pooled risk management programs.  
98, am 503-506, psd 597, conc S am 988, enr am 1077, enr 1129 (Chapter 329)
- HB 609-FN, relative to the New Hampshire National Guard. (Benton of Rock. 5 - To Public Protection and Veterans Affairs)  
98, psd 226, 272, S conc 648, enr am 874, enr 934 (Chapter 144)
- HB 610-FN, relative to student protection. (Chase of Rock. 28 - To Education)  
98, K 472
- HB 611-FN, relative to administrative forfeiture of certain items used in connection with drug offenses. (Eaton of Ches. 4 - To Judiciary)  
98, Com 379, 1215
- HB 612-FN, relating to insurance holding companies. (Boucher of Mer. 9 - To Commerce, Small Business and Consumer Affairs)  
98, am 446-447, psd 497, S conc 917, enr 958 (Chapter 184)



- HB 613-FN, relating to security deposits of insurance companies. (Fraser of Mer. 6; Packard of Hil. 15 - To Commerce, Small Business and Consumer Affairs)  
98, am 506, psd 597, conc S am 988, enr 1059 (Chapter 246)
- HB 614-FN, relative to insurers' reporting requirements and a consumer advocate. (Zis of Hil. 28 et al - To Commerce, Small Business and Consumer Affairs)  
98, Com 536-537, 1215
- HB 615-FN, creating a civil cause of action for unfair insurance trade practices. (Zis of Hil. 28 et al - To Commerce, Small Business and Consumer Affairs)  
98, Com 506-507, 1215
- HB 616-FN, limiting condominium conversions if vacancy rate is low. (Weddle of Rock. 24 - To State Institutions and Housing)  
98, Com 464, 1215
- HB 617, establishing the affordable housing fund within the New Hampshire housing finance authority. (King of Graf. 6 et al - To State Institutions and Housing)  
98, Com 464, 1215
- HB 618-FN, increasing the percentage of the real estate transfer tax returned to the register of deeds or the county. (LaMott of Graf. 5; O'Rourke of Hil. 35 - To Ways and Means)  
98, R 302
- HB 619-FN, raising lucky 7 ticket prices. (Pierce of Ches. 17 - To Regulated Revenues)  
98, R 227
- HB 620-FN, relative to workers' compensation. (Hawkins of Bel. 5 - To Labor, Industrial and Rehabilitative Services)  
98, Com 512, 1215
- HB 621-FN, relative to computation of wages for purposes of workers' compensation benefits. (Hawkins of Bel. 5 - To Labor, Industrial and Rehabilitative Services)  
99, Com 417, 1215
- HB 622-FN, relative to actions against fellow employees. (Hawkins of Bel. 5 - To Labor, Industrial and Rehabilitative Services)  
99, Com 417, 1215
- HB 623, relative to the practice of physical therapy. (McCain of Rock. 11 - To Executive Departments and Administration)  
99, am 373-375, psd 391, conc S am 1043, enr am 1085, enr 1193 (Chapter 330)
- HB 624, relative to survivors' benefits of group I and Group II members receiving disability retirement benefits. (LaMott of Graf. 5 et al - To Executive Departments and Administration)  
New title: relative to survivors' benefits of New Hampshire permanent firemen's retirement system members receiving disability retirement benefits.  
99, am & Approp 283-284, am 618-619, psd 644, S conc 993, enr 1057 (Chapter 247)

- HB 625-FN, changing the method of valuation for pleasure boats for the boat permit fee. (Hardy of Bel. 4 et al - To Transportation)  
99, Com 530, 1215
- HB 626-FN, relative to medication specialists. (Rehlander of Mer. 8 - To Health and Human Services)  
99, psd 378, 391 (K)
- HB 627-FN, to provide a loss carry forward under the business profits tax. (Grip of Hil. 7 - To Ways and Means)  
99, Com 534, 1215
- HB 628-FN, providing tax incentives for New Hampshire business organizations. (Grip of Hil. 7 - To Ways and Means)  
99, Com 534, 1215
- HB 629-FN, relative to the administration and investments of the New Hampshire retirement system. (Ramsay of Ches. 10 - To Executive Departments and Administration)  
99, am & Approp 411-412, am 619-620, psd 644, nonconc S am, conf 1038, 1051, rep adop 1114, 1116, enr 1193 (Chapter 331)
- HB 630-FN, relative to the reduction in benefits for group I members of the New Hampshire retirement system who retire before age 60. (Ramsay of Ches. 10 - To Executive Departments and Administration)  
99, am & approp 412-413, am 669-670, psd 675, S conc 994, enr 1058 (Chapter 248)
- HB 631-FN, relative to waivers from school lunch programs for school districts. (Eaton of Ches. 4 - To Education)  
99, K 472
- HB 632-FN, relative to the adoption of capital improvement facility fees. (McCann of Str. 7 - To Municipal and County Government)  
99, rem 501, psd 593, recon rej 597, psd 598, S nonconc 994
- HB 633-FN, relative to casual help employees of funeral directors. (Chase of Rock. 28 - To Executive Departments and Administration)  
New title: relative to unlicensed funeral home employees and funeral home inspections.  
99, am 285, psd 344, conc S am 940, enr 958 (Chapter 185)
- HB 634-FN, relative to deeds and the conveyance of property. (Bates of Str. 1 - To Judiciary)  
99, K 356
- HB 635-FN, relative to property tax exemptions for the elderly. (Arnott of Ches. 14 - To Municipal and County Government)  
99, K 368
- HB 636-FN, relative to solid waste management. (Greene of Rock. 18 - To Environment and Agriculture)  
99, Com 455, 1215
- HB 637-FN, relative to base development at Mount Sunapee. (Behrens of Sul. 3 et al - To Public Works)  
99, com changed 139, Com 431-432, 1215
- HB 638-FN, relative to returnable containers. (Cox of Hil. 18 - To Commerce, Small Business and Consumer Affairs)  
99, rem 446, K 496

- HB 639-FN, relative to certification of soil scientists. (Magoon of Rock. 13 et al - To Environment and Agriculture)  
99, Com 410, 1215
- HB 640-FN, relative to motor vehicle license and registration fees, license plates and boat registration. (Gordon of Ches. 5 et al - To Transportation)  
99, am 530-531, psd 598, S conc 850, enr am 876, enr 934 (Chapter 151)
- HB 641, relative to various motor vehicle laws. (Walter of Graf. 13 et al - To Transportation)  
New title: relative to various motor vehicle laws and to seeing eye dogs.  
99, am 531-533, psd 598, nonconc S am, conf 1047, 1061, rep adop 1114, 1116, enr am 1184, enr 1194, appointments 1220 (Chapter 404)
- HB 642-FN, relative to approved furloughs and special purpose furloughs for prisoners. (Robinson of Str. 4 - To Judiciary)  
99, Com 292, 1215
- HB 643-FN, relative to compensation of jurors. (Chandler of Mer. 21 - To Judiciary)  
99, Approp 292, rem 617, LT 635, IP 1208
- HB 644, relative to zoning exemptions for certain utility structures. (West of Mer. 21 - To Municipal and County Government)  
99, psd 336, 345, S conc 648, enr am 874, enr 934 (Chapter 152)
- HB 645-FN, relative to school building aid. (Robinson of Hil. 12; Sanderson of Rock. 25 - To Education)  
99, Com 473, 1215
- HB 646-FN, permitting the taxation of certain school lands and buildings. (Welch of Rock. 10 - To Ways and Means)  
100, K 370
- HB 647-FN, relative to specific air pollution emissions standards and controls. (Fesh of Rock. 7 et al - To Environment and Agriculture)  
100, K 410
- HB 648-FN, relative to municipal hazardous waste disposal responsibilities and liabilities. (Wright of Rock. 23 - To Environment and Agriculture)  
100, Com 455, 1216
- HB 649-FN, relative to required parks on plats and creating nonlapsing accounts for acquisition of property for recreational purposes. (Flint of Sul. 2 - To Municipal and County Government)  
100, K 419
- HB 650-FN, directing the supreme court to establish a guardian ad litem compensation fund. (Lown of Hil. 9; Lozeau of Hil. 25 - To Judiciary)  
New title: directing the supreme court to establish a guardian ad litem compensation fund and relative to retired superior court justices.  
100, Approp 292, psd 660, 674, conc S am 996, enr 1118 (Chapter 332)
- HB 651-FN, relative to compensation of part time district court justices. (Robinson of Str. 4 - To Judiciary)

New title: relative to compensation of district court justices and special justices.

100, am & Approp 321-323, am 836-838, psd 847, S conc 994, enr 1058 (Chapter 272)

- HB 652-FN, relative to wine importers, the delivery of wine, and a definition of "warehouse". (Skinner of Rock. 21 - To Regulated Revenues)  
100, Approp 582, am 660-661, psd 674, S Com 1229
- HB 653-FN, relative to third party payments for health services. (Cressy of Rock. 16 - To Commerce, Small Business and Consumer Affairs)  
100, K 407
- HB 654-FN, relative to dogs and cats. (Dickinson of Car. 2 - To Environment and Agriculture)  
100, am 455-456, psd 498, S conc 871, enr am 938, enr 959 (Chapter 186)
- HB 655-FN, relative to the testing of livestock in pulling contests. (Schotanus of Sul. 1 et al - To Environment and Agriculture)  
100, am 456-457, psd 498, S conc 917, enr 958 (Chapter 187)
- HB 656-FN, relative to cruelty to animals. (Schotanus of Sul. 1 et al - To Environment and Agriculture)  
100, am 457, psd 498, S conc 871, enr 911 (Chapter 116)
- HB 657-FN, relative to the investment of state trust funds. (Dickinson of Car. 2 - To Executive Departments and Administration)  
100, am 353-354, psd 390, S conc 677, enr am 877, enr 934 (Chapter 153)
- HB 658-FN, relative to the nursing scholarship program and private trade schools. (Riley of Ches. 5 et al - To Education)  
100, Approp 454-455, psd 661, 674, S conc 994, enr 1058 (Chapter 249)
- HB 659-FN, relative to payment of court appointed counsel and court costs in certain cases. (Parks of Str. 6; Ahrens of Hil. 13 - To Judiciary)  
First new title: relative to payment of court appointed counsel and court costs in certain cases and making an appropriation therefor.  
Second new title: relative to payment of court appointed guardians and court costs in certain cases and making an appropriation therefor.  
100, Approp 292, am 661-662, psd 674, S conc 993, enr am 1075, enr 1118 (Chapter 333)
- HB 660-FN, relative to information services at highway rest areas and appropriating fees for these services. (Lewis of Mer. 5 et al - To Transportation)  
100, com changed 212, am & Approp 525-528, psd 684, 846, S conc 957, enr 1039 (Chapter 209)
- HB 661-FN, changing the name of the department of postsecondary vocational-technical education. (Walker of Rock. 17 et al - To Education)  
First new title: changing the name of the department of postsecondary vocational-technical education and establishing a postsecondary vocational-technical education study committee.  
Second new title: establishing a postsecondary vocational-technical education study committee.

Third new title: establishing a postsecondary vocational-technical education study committee.

100, psd 473, 498, conc S am 1013, enr am 1086-1087, enr 1193, appointments 1227 (Chapter 387)

- HB 662-FN, relative to reimbursement of the state for patients rendered services by the secure psychiatric unit. (Parker of Ches. 11 - To Health and Human Services)  
100, psd 378, 391, S conc 872, enr 914 (Chapter 117)
- HB 663-FN, legalizing action by the city of Franklin in adopting a budget and supplemental budget for an optional fiscal year and authorizing debt during the transition period. (Gilbreth of Mer. 12 et al - To Municipal and County Government)  
100, psd 420, 443, S conc 872, enr 914 (Chapter 118)
- HB 664-FN, relative to resident hunting and fishing licenses. (Guay of Coos 7 - To Fish and Game)  
100, K 243
- HB 665-FN, prohibiting the incarceration of alcohol abusers who have committed no criminal offense. (Ahrens of Hil. 13 - To Judiciary)  
100, K 293
- HB 666-FN, relative to medical insurance payments for incarcerated persons. (Ahrens of Hil. 13 - To Commerce, Small Business and Consumer Affairs)  
101, am 447, psd 497, conc S am 988, enr 1059 (Chapter 250)
- HB 667-FN, relative to salaries for unclassified employees in the department of safety. (Townsend of Graf. 13 - To Executive Departments and Administration)  
New title: directing the legislative facilities committee to conduct a study of salaries for unclassified state employees, and making an appropriation therefor.  
101, com changed 139, Approp 261-262, am 610, psd 615, S nonconc 1050
- HB 668-FN, relative to the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities. (Hayes of Mer. 21 et al - To Science, Technology and Energy)  
101, psd 421-422, 443, S conc 918, enr am 1040, enr 1057 (Chapter 251)
- HB 669-FN, reducing the rate of the business profits tax. (Hayes of Mer. 21 - To Ways and Means)  
101, Com 534, 1216
- HB 670-FN, relative to review of wood-fired electrical generating plants. (Oleson of Coos 7 - To Science, Technology and Energy)  
New title: establishing a committee to study matters relative to biomass energy facilities.  
101, rem 395, psd 442, 443, recon rej 497, conc S am 678, enr 869, appointments 1220 (Chapter 82)
- HB 671-FN, relative to disability benefits for fire fighters. (Gage of Rock. 20; Sen. Delahunty - To Labor, Industrial and Rehabilitative Services)  
101, am 512-513, psd 597, conc S am 997, enr 1118 (Chapter 334)
- HB 672-FN, relative to workers' compensation permanent impairment awards. (Blanchette of Rock. 12 - To Labor, Industrial and Rehabilitative Services)  
101, Com 356, 1216

- HB 673-FN, relative to workers' compensation death benefits.  
(Blanchette of Rock. 12 - To Labor, Industrial and Rehabilitative Services)  
101, K 356
- HB 674-FN, relative to accidental disability benefits for New Hampshire retirement system members. (Blanchette of Rock. 12 - To Executive Departments and Administration)  
101, am & Approp 413-414, Com 620, 1216
- HB 675-FN, relative to workers' compensation liens against uninsured motorist recoveries. (Burns of Hil. 11; Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)  
101, psd 513, 597, S nonconc 918
- HB 676-FN, requiring that recordings and transcripts be made of all public legislative hearings. (Burns of Hil. 11 et al - To Legislative Administration)  
101, K 296
- HB 677-FN, relative to a staffing plan for the new central psychiatric facility. (LaMott of Graf. 5 - To Executive Departments and Administration)  
New title: relative to a staffing plan for the new central psychiatric facility and a staffing plan for the Glenclyff home for the elderly and programs in New Hampshire hospital.  
101, am 509, psd 597, S conc 850, enr 869 (Chapter 83)
- HB 678-FN, relative to railroads. (Hoar of Rock. 6; Whittemore of Mer. 10 - To Executive Departments and Administration)  
101, Com 354, 1216
- HB 679-FN, relative to buyers of farm products. (Townsend of Graf. 13 - To Environment and Agriculture)  
New title: relative to buyers of farm products and distribution of funds to agricultural fairs, and making an appropriation to the secretary of state for a central indexing system for security interests in farm products.  
101, am & Approp 219-220, am 838-841, psd 847, S conc 957, enr am 1042, enr 1058 (Chapter 252)
- HB 680-FN, prohibiting certain computer telephone calls to residences. (Carpenito of Rock. 20; Nagel of Rock. 20 - To Commerce, Small business and Consumer Affairs)  
101, Com 407, 1216
- HB 681-FN, relative to ticket scalping. (Carpenito of Rock. 20; Nagel of Rock. 20 - To Commerce, Small Business and Consumer Affairs)  
101, K 470
- HB 682-FN, establishing a procedure for enforcing the payment of parking fines. (Jacobson of Hil. 26 et al - To Municipal and County Government)  
101, psd 574, 598, S conc 918, enr am 1040, enr 1058 (Chapter 253)
- HB 683-FN, relative to state employee benefits. (Chambers of Graf. 12; Hager of Mer. 21 - To Executive Departments and Administration)  
101, am & Approp 414-415, am 841, psd 847, S conc 957, enr 1039 (Chapter 213)



- HB 684-FN, relative to benefits for part-time state employees.  
(Chambers of Graf. 12; Hager of Mer. 21 - To Executive Departments  
and Administration)  
101, Com 354, 1216
- HB 685-FN, deferring payments for assessments made for municipal  
betterments benefiting land classified as open space land. (Campbell  
of Rock. 20 - To Environment and Agriculture)  
101, Com 410, 1216
- HB 686-FN, relative to farm plates. (Campbell of Rock. 20 - To  
Transportation)  
102, psd 533, 598, conc S am 873, enr 959 (Chapter 188)
- HB 687-FN, relative to eligibility for disability payments to injured  
workers. (Nixon of Hil. 6 - To Labor, Industrial and Rehabilitative  
Services)  
102, am 513-514, psd 597, S Com 918, 1229
- HB 688-FN, allowing the Mascoma Valley regional school district to  
separate from school administrative unit 32. (Christy of Graf. 11 -  
To Education)  
102, Com 455, 1216
- HB 689-FN, relative to insurance rate increases for traffic violations.  
(Boisvert of Hil. 30 - To Commerce, Small Business and Consumer  
Affairs)  
102, K 537
- HB 690-FN, relative to towns and cities which require an assisted person  
to work for the town or city. (Cushing of Rock. 14 - To Municipal  
and County Government)  
102, K 574
- HB 691-FN, relative to depositing of excess snow into the surface waters  
of the state. (Hawkins of Bel. 5 et al - To Resources, Recreation  
and Development)  
102, K 490-491
- HB 692-FN, establishing an involuntary treatment task force. (Cahill of  
Mer. 21 - To Health and Human Services)  
New title: establishing an involuntary treatment task force and  
allowing the commissioner of health and human services to transfer  
certain appropriations.  
102, psd 459, 498, nonconc S am, conf 873, 995, 1057, rep adop 1115,  
1117, enr am 1186, enr 1194, appointments 1221 (Chapter 414)
- HB 693-FN, to include county jail and house of correction personnel in  
group II of the New Hampshire retirement system. (Chandler of Mer.  
21 - To Executive Departments and Administration)  
New title: relative to determining membership in the New Hampshire  
retirement system.  
102, am & Approp 569-572, rem 678, am 842-843, psd 846, conc S am  
997, enr am 1130-1131, enr 1192, appointments 1221 (Chapter 335)
- HB 694, relative to financial disclosure. (Bass of Hil. 7 et al - To  
Legislative Administration)  
102, rem 395, K 442
- HB 695-FN, relative to the insanity defense and committal orders.  
(Shriver of Hil. 11 - To Judiciary)

First new title: relative to committal orders for persons found not guilty by reason of insanity.

Second new title: relative to committal orders for persons found not guilty by reason of insanity and relative to the task force on involuntary treatment.

102, am 293-294, psd 344, nonconc S am, conf 1037, 1052, rep adop 1114, 1116, enr am 1190, enr 1194 (Chapter 405)

HB 696-FN, relative to interest payment calculations under the New Hampshire retirement system. (King of Graf. 6; MacDonald of Car. 6 - To Executive Departments and Administration)

New title: relative to interest payment calculations under the New Hampshire retirement system and making an appropriation therefor.

102, am & Approp 415, am 684-685, psd 846, S conc 994, enr 1058 (Chapter 254)

HB 697-FN, relative to the definition of "wages" for workers' compensation purposes. (Buckley of Hil. 44 - To Labor, Industrial and Rehabilitative Services)

102, am 514, psd 597, S Com 918, 1229

HB 698, requiring accessible polling places and voting booths for physically disabled and elderly persons. (Pappas of Hil. 37 et al - To Regulated Revenues)

102, psd 227, 272, S conc 957, enr 1039 (Chapter 210)

HB 699-FN, establishing a task force to study support services for families with developmentally disabled children. (Tupper of Mer. 6 - To Children, Youth and Elderly Affairs)

102, am 278, psd 343, S conc 617, enr 615, appointments 1221 (Chapter 19)

HB 700-FN, permitting group II members who reach age 65 to make an election for retirement benefits. (Johnson of Rock. 1 et al - To Executive Departments and Administration)

102, Approp 221, psd 610-611, 615, S conc 1049, enr am 1087, 1088, enr 1129 (Chapter 336)

HB 701-FN, relative to the fee charged for copies of checklists. (Flanagan of Rock. 8 - To Constitutional and Statutory Revision)

102, am 409, psd 443, conc S am 997, enr 1118 (Chapter 337)

HB 702-FN, relative to workers' compensation medical and vocational rehabilitation benefits. (McGovern of Rock. 27; Blanchette of Rock. 12 - To Labor, Industrial and Rehabilitative Services)

102, psd 514, 598, conc S am 1034, enr 1118 (Chapter 388)

HB 703-FN, relative to the board of auctioneers. (Felch of Rock. 14 - To Executive Departments and Administration)

102, am 377, psd 391, conc S am 988, enr am 1087, enr 1193 (Chapter 274)

HB 704-FN, relative to the safety of facilities gathering, transmitting, and distributing petroleum gas. (Randall of Bel. 3 - To Science, Technology and Energy)

102, am 422, psd 443, nonconc S am, conf 1037, 1052, IP 1209

HB 705-FN, relative to itinerant vendors. (Fields of Hil. 13; Manus of Mer. 17 - To Commerce, Small Business and Consumer Affairs)

102, Com 447, 1216

- HB 706-FN, increasing the per diem allowance for county delegation meetings. (Dickinson of Car. 2 et al - To Municipal and County Government)  
103, psd 420, 443, S conc 1049, enr 1193 (Chapter 338)
- HB 707, relative to temporary rates for public utilities. (Chambers of Graf. 12 et al - To Science, Technology and Energy)  
New title: relative to the implementation of public utility rate schedules under bond.  
103, am (RC) 434-437, psd 443, S nonconc 872
- HB 708, relative to excess electric generating capacity. (Chambers of Graf. 12 et al - To Science, Technology and Energy)  
103, psd (RC) 493-495, 498, recon rej (RC) 595-597, S Com 1050, 1229
- HB 709-FN, relative to children's interagency dispute resolution. (Rehlander of Mer. 8 - To Children, Youth and Elderly Affairs)  
103, psd 278, 343, S Study 1229
- HB 710-FN-A, relative to child care assistance and making an appropriation therefor. (Wallner of Mer. 18; Arnesen of Graf. 7 - To Children, Youth and Elderly Affairs)  
103, Approp 240-241, K 842
- HB 711-FN, relative to the probate courts. (Jones of Hil. 20 - To Judiciary)  
103, Com 221, 1216
- HB 712-FN, relative to plea bargaining agreements in DWI cases. (Lussier of Str. 8; Gage of Hil. 6 - To Judiciary)  
103, K 294
- HB 713-FN, relative to the definition of a delinquent child. (Schotanus of Sul. 1 et al - To Children, Youth and Elderly Affairs)  
103, K 278-279
- HB 714-FN, relative to conveying land in current use. (Jacobson of Mer. 2 - To Environment and Agriculture)  
New title: relative to assessment of open space land.  
103, am 473-474, psd 498, S Com 872, 1229
- HB 715, relative to automobile depreciation for purposes of establishing insurance coverage fee rates. (Soucy of Hil. 39 - To Commerce, Small Business and Consumer Affairs)  
103, Com 351, 1216
- HB 716, relative to the Salem town Treasurer. (Buco of Rock. 20 - To Municipal and County Government)  
103, K 420
- HB 717, relative to membership on planning boards. (Wadsworth of Graf. 13 - To Municipal and County Government)  
103, psd 420, 443, S conc 957, enr am 1042-1043, enr 1058 (Chapter 255)
- HB 718, clarifying certain planning and zoning statutes. (Golden of Bel. 7 - To Municipal and County Government)  
103, psd 225, 272, conc S am 989, enr 1059 (Chapter 256)
- HB 719-FN, relative to the fee for vanity license plates. (Boisvert of Hil. 30 - To Transportation)  
103, K 370

- HB 720, relative to the fish and game commission appointing the executive director of the department of fish and game. (Perham of Hil. 10 et al - To Fish and Game)  
103, K (RC) 317-319
- HB 721-FN, relative to the sweepstakes commission and lucky 7 tickets. (Rounds of Graf. 10 et al - To Regulated Revenues)  
103, K 227
- HB 722, relative to small loans. (Christy of Graf. 11 - To Commerce, Small Business and Consumer Affairs)  
103, psd 448, 497, S conc 1049, enr am 1087-1088, enr 1129 (Chapter 389)
- HB 723-FN, relative to licensing nondepository first mortgage bankers and brokers. (Gage of Rock. 20 - To Commerce, Small Business and Consumer Affairs)  
New title: relative to licensing nondepository first mortgage bankers and brokers and relative to second mortgage home loans.  
103, am 537-539, psd 598, conc S am 988, enr am 1191, enr 1193 (Chapter 339)
- HB 724, relative to the transfer of 57 acres of Rye Harbor state park to the department of fish and game for wildlife management. (Drake of Rock. 18; Vaughn of Rock. 27 - To Fish and Game)  
103, am 479-480, psd 498, S conc 957, enr 1039, veto sustained (RC) 1203-1205
- HB 725-FN, relative to the attorney general. (Bates of Str. 1 - To Executive Departments and Administration)  
First new title: relative to the attorney general and relative to the chief medical examiner.  
Second new title: relative to the attorney general, the chief medical examiner, and indigent defendants.  
103, am 354-355, psd 390, nonconc S am, conf 1038, 1052, 1057, 1059, rep adop 1114, 1116, enr am 1185-1186, enr 1194 (Chapter 406)
- HB 726, relative to the qualifications of the director of human services. (Arnold of Hil. 33 - To Health and Human Services)  
New title: relative to the qualifications of the director of human services and establishing certain positions.  
103, am 378-379, psd 391, S conc 677, enr 868 (Chapter 84)
- HB 727, relative to the right-to-know law. (Chretien of Hil. 33 et al - To Judiciary)  
103, am 488-490, psd 498, nonconc S am, conf 1047, 1057, 1061, rep adop 1115, 1116, enr 1192, veto sustained (RC) 1205-1208
- HB 728, relative to daylight savings time. (Palumbo of Rock. 10 et al)  
rules suspended, intro & psd 603-604, S conc 617, enr 615 (Chapter 10)
- HB 729, redefining references to the United States Internal Revenue Code for purposes of the business profits tax. (Palumbo of Rock. 10; Chambers of Graf. 12)  
New title: redefining references to the United States Internal Revenue Code for purposes of the business profits tax and temporarily continuing 2 unclassified positions.  
rules suspended, intro & psd 1126, psd & S conc 1128, enr am 1143, enr 1194 (Chapter 407)

- HB 730, relative to the North Conway water precinct. (Allard of Car. 2) rules suspended, intro & psd 1196-1197, S conc & enr 1205 (Chapter 417)

## HOUSE JOINT RESOLUTIONS

- HJR 1, relative to the New Hampshire Agricultural experiment station. (Campbell of Rock. 20 - To Environment and Agriculture) 73, psd 220-221, 272, S conc 677, enr 868 (Chapter 74)
- HJR 2, urging affordable housing with regard to Mariner's Village in Portsmouth. (Weddle of Rock. 24 et al - To State Institutions and Housing) 121, K 433-434
- HJR 3-FN, providing a legal state holiday on June 21, 1988, to celebrate the bicentennial of the United States Constitution. (Chase of Car. 6 - To Constitutional and Statutory Revision) 104, K 372

## HOUSE CONCURRENT RESOLUTIONS

- HCR 1, urging the New Hampshire delegates to the United States Congress to support legislation designating English as the official language of the United States. (Stewart of Graf. 4 - To State-Federal Relations) 33, K 118
- HCR 2, applying to the Congress of the United States to call a convention to propose an amendment to protect the lives of the unborn. (Granger of Hil. 13 - To State-Federal Relations) 33, K (RC) 118-119
- HCR 3, relative to accidents involving nuclear power plants. (Robinson of Mer. 3 - To Science, Technology and Energy) 73, adop 422, 443, conc S am 989
- HCR 4, relative to a National Housing Partnership Act. (Weddle of Rock. 24 et al - To State-Federal Relations) 104, adop 422, 443, S nonconc 872
- HCR 5, supporting initiatives at all levels seeking to solve the potentially catastrophic problem of depletion of the earth's ozone layer. (Weddle of Rock. 24 - To Environment and Agriculture) 104, am 425-426, adop 443, S conc 918
- HCR 6, relative to the town of Centre Harbor. (Maviglio of Bel. 1 - To Municipal and County Government) 104, K 420
- HCR 7, relative to the priority of employee claims in Chapter 11 bankruptcy proceedings. (Skinner of Rock. 21 et al - To State-Federal Relations) 104, adop 233, 272, S conc 677
- HCR 8, memorializing Sherman Adams of Lincoln. (Scamman of Rock. 19; Sen. Bartlett) intro & adop 81 (S conc)

- HCR 9, inviting Chief Justice Brock to address a joint convention on the state of the judiciary. (Palumbo of Rock. 10; Chambers of Graf. 12) rules suspended, intro & adop 160, 179, S conc 616
- HCR 10, adopting Joint Rules for the 1987-1988 sessions. 120-121, am 175-178, adop 179, conc S am 275
- HCR commemorating the achievements of Dr. Humbert C. Bird. (Scamman of Rock. 19) intro & adop 1067-1068

HOUSE BILLS OF INTENT

- HBI 2002, relating to the New Hampshire state hospital. (Parker of Ches. 11; Whitcomb of Graf. 1 - To State Institutions and Housing) 33, adop 108, 120
- HBI 2003, relating to the Laconia state school. (Parker of Ches. 11; Whitcomb of Graf. 1 - To State Institutions and Housing) 33, adop 108, 120
- HBI 2004, relating to highway state liquor stores providing non-alcoholic beverages in addition to alcohol. (Lozeau of Hil. 25 - To Regulated Revenues) 33, K 107
- HBI 2005, relating to the reapportionment of electoral districts. (Campbell of Bel. 5 - To Constitutional and Statutory Revision) 33, K 142
- HBI 2006, relating to the youth development center. (Parker of Ches. 11; Whitcomb of Graf. 1 - To State Institutions and Housing) 33, adop 108, 120
- HBI 2007, to study the disparity between insurance allowances and health care costs. (Ahrens of Hil. 13 - To Commerce, Small Business and Consumer Affairs) 33, Com 217, 1216
- HBI 2008, relative to purchase, distribution and sale of table wine. (Packard of Hil. 15 et al - To Regulated Revenues) 52, K 117
- HBI 2009, relating to long-range financing by municipalities. (Grodin of Ches. 6 et al - To Municipal and County Government) 53, adop 107, 120
- HBI 2010, relating to the authority of solid waste management districts. (Greene of Rock. 18 - To Environment and Agriculture) 54, K 455
- HBI 2011, relative to providing an incentive for employers to operate day care facilities. (Skinner of Rock. 21 - To Children, Youth and Elderly Affairs) 55, adop 162, 179
- HBI 2012, relating to developing a comprehensive, long-range, coordinated state energy plan. (Randall of Bel. 3 et al - To Science, Technology and Energy) 73, Com 422, 1216



- HBI 2013, relating to development of a comprehensive solid waste disposal plan. (Holmes of Car. 3 - To Environment and Agriculture)  
73, K 455
- HBI 2014, relative to New Hampshire compliance with amendments to the comprehensive Environmental Response, Cleanup and Liability Act. (Wright of Rock. 23 - To Environment and Agriculture)  
104, K 411
- HBI 2015, relative to toxic waste prevention. (Cushing of Rock. 14 - To Environment and Agriculture)  
104, K 411

## HOUSE RESOLUTIONS

- HR 1, relative to adoption of rules of the 1986 Session - date changes. (Burns of Coos 5; Chambers of Graf. 12)  
intro, am & adop 12-13, am 84-87
- HR 2, relative to a committee of three to assign seats to the members. (Gordon of Ches. 5)  
intro & adop 13
- HR 3, relative to a committee of 10 members, one from each county to select a Chaplain. (Grodin of Ches. 6; Densmore of Graf. 3)  
intro & adop 13
- HR 4, relative to the public address system tapes, etc. (Brungot of Coos 8; King of Graf. 12)  
intro & adop 14
- HR 5, relative to the Clerk's staff. (Sallada of Hil. 4; Winn of Hil. 28)  
intro & adop 14
- HR 6, relative to the Sergeant-at-Arms staff. (Wood of Hil. 27; Copenhagen of Graf. 12)  
intro & adop 14
- HR 7, relative to distribution of House Journals, bills and joint resolutions, etc. (Rodeschin of Sul. 2; Arnesen of Graf. 7)  
intro & adop 14
- HR 8, relative to cancellation of a scheduled meeting of House in event of severe weather. (Rodgers of Hil. 19; Durant of Hil. 32)  
intro & adop 14-15
- HR 9, relative to legislative salary paid in the month of January, 1987. (E. Wheeler of Hil. 10; O'Rourke of Hil. 35)  
intro & adop 15
- HR 10, honoring House Speaker, W. Douglas Scamman, Jr., and former House Speaker, W. Douglas Scamman, Sr.  
intro & adop 10
- HR 11, memorializing former State Representative Roderick T. Allen. (Scamman of Rock. 19)  
intro & adop 15
- HR 12, adopting amendments to the House Rules as proposed by the Rules Committee and fixing February 10, 1987, as the date through which

House Rules may be amended by majority vote. (Palumbo of Rock. 10; Chambers of Graf. 12)  
intro, am & adop 35-39

HR 13, adopting joint rules for the 1987-1988 sessions. (Palumbo of Rock. 10; Chambers of Graf. 12)  
40

HR 14, honoring former State Representative Helene R. Donnelly of Dover. (Scamman of Rock. 19)  
intro & adop 41

HR 15, requesting the New Hampshire delegation to introduce legislation in Congress forbidding importation of radioactive waste material into Hampton-Seabrook harbor. (Cushing of Rock. 14 - To State-Federal Relations)  
New title: requesting the New Hampshire delegation to introduce legislation in Congress forbidding importation of radioactive waste material into the state of New Hampshire.  
57, am 233-234, adop 272

HR 16, urging the United States Congress to permit the refund of public utility federal tax over collections. (Daschbach of Ches. 2 - To State-Federal Relations)  
73, LT 582-583, IP 1208

HR 17, urging the Nuclear Regulatory Commission to deny the petition of Public Service Company of New Hampshire, et al., to reduce the 10 mile emergency planning zone in radius of the Seabrook Station nuclear power plant. (Daschbach of Ches. 2 et al - To State-Federal Relations)  
104, adop 267, 272

HR 18, relative to state authority over the national guard. (Read of Rock. 28 - To Public Protection and Veterans Affairs)  
104, K 420

HR 19, relative to the employee lockout at the Simplex Wire and Cable Company in Newington. (Chambers of Graf. 12; Weddle of Rock. 24 - To Legislative Administration)  
104, SO 490, LT (RC) 491-493, IP 1208

HR 20, relative to establishing a committee to study the application of consensus building, dispute resolution, and conflict management as a step in the legislative process. (Skinner of Rock. 21; Torr of Str. 6 - To Legislative Administration)  
104, K 296

HR 21, memorializing former Rep. Aime H. Paradis of Goffstown. (Scamman of Rock. 19)  
intro & adop 157

HR 22, memorializing Rep. Merino Romoli, Jr. of Greenland. (Scamman of Rock. 19)  
intro & adop 157-158

HR 23, requesting an opinion of the justices concerning the constitutionality of HB 70. (Jacobson of Mer. 2)  
rules suspended, intro & adop (RC) 196-198, 212, opin printed 312-313

HR 24, honoring Cindy Wilkins of Somersworth. (Scamman of Rock. 19)  
intro & adop 271

- HR 25, honoring the Grand National Champion Cheerleaders of American Legion Post 48 in Hudson. (Scamman of Rock. 19)  
intro & adop 273-274
- HR 26, honoring Representative Richard H. Krueger of Claremont. (Claremont Delegation)  
intro & adop 343
- HR 27, honoring the World Champion Red Star Baton Twirlers of Derry. (G. Katsakiores of Rock. 7 et al)  
intro & adop 346-347
- HR 28, commending the boys' varsity basketball team of Concord High School. (Concord Delegation)  
intro & adop 500
- HR 29, commending the girls varsity basketball team of Nashua High School. (Nashua Delegation)  
intro & adop 603
- HR 30, celebrating Greek Independence Day. (Scamman of Rock. 19)  
intro & adop 611
- HR 31, providing requested definition of factual findings concerning House Bill 70. (Palumbo of Rock 10; Chambers of Graf. 12)  
rules suspended, intro & K (RC) 636-638
- HR 32, providing requested definition and factual findings concerning House Bill 70 for an opinion of the justices. (Palumbo of Rock 10; Chambers of Graf. 12)  
rules suspended, intro & adop 638-639, 644
- HR 33, commending the boys' varsity basketball team of Moultonborough Academy. (McIntire of Car. 4; Schofield of Car. 4)  
intro & adop 643
- HR 34, honoring Eileen Hattan of Salisbury. (Bardsley of Mer. 1; Phelps of Mer. 1)  
intro & adop 648
- HR 35, commending the boys' varsity basketball team of Mascoma Regional High School. (Christy of Graf. 11 et al)  
intro & adop 845
- HR 36, honoring Elna Erickson Carr of Bradford on her one hundredth birthday. (Beaton of Mer. 3; Robinson of Mer. 3)  
intro & adop 866
- HR 37, honoring Amateur Radio Operators in New Hampshire. (Scamman of Rock 19)  
intro & adop 867
- HR 38, honoring the General Federation of Women's Clubs and the New Hampshire Federation of Women's Clubs. (Scamman of Rock. 19)  
intro & adop 911-912
- HR 39, memorializing former State Representative Elsie M. Brown of Durham. (Scamman of Rock. 19)  
intro & adop 912
- HR 40, memorializing former State Representative Arthur D. Maglaras of Dover. (Dover Delegation)  
intro & adop 912-913

- HR 41, commending the support staff of the New Hampshire House of Representatives, the New Hampshire Senate, and Administrative Services. (Scamman of Rock. 19)  
intro & adop 952-953
- HR 42, memorializing former Represententative George M. McGee of Lincoln. (Chambers of Graf. 12; Stewart of Graf. 4)  
intro & adop 953
- HR 43, commending the girls' varsity basketball team of Wilton-Lyndeborough High School. (Droulet of Hil. 8; Mason of Hil. 8)  
intro & adop 990-991
- HR 44, relative to poetry hub. (Scamman of Rock. 19)  
intro & adop 1126-1127
- HR 45, memorializing former State Representative Helene R. Donnelly of Dover. (Strafford County Delegation)  
intro & adop 1127
- HR 46, memorializing former State Representative Herschel W. Cox of Merrimack. (Merrimack County Delegation)  
intro & adop 1127-1128
- HR 47, memorializing former State Representative Richard E. Galway. (Manchester Delegation)  
intro & adop 1209
- HR 48, memorializing former State Representative Kathleen A. Degnan of Concord. (Scamman of Rock. 19)  
intro & adop 1209-1210
- HR 49, memorializing former State Representative Grant J. Berkey of Rochester. (Scamman of Rock. 19)  
intro & adop 1210
- HR 50, honoring Angela Hall of Colebrook as 1987 New Hampshire Spelling Champion. (Purrington of Coos 1)  
intro & adop 1211-1212
- HR 51, honoring the Greater Derry Jaycees. (Derry Delegation)  
intro & adop 1212

## SENATE BILLS

- SB 1-A, establishing the New Hampshire land conservation investment program and making an appropriation therefor. (To Environment and Agriculture)  
677, am & Approp 894-898, am (RC) 969-971, psd 991, S nonconc, conf 1047-1048, rep adop 1095-1096, 1120, enr am 1136, enr 1192, appointments 1227 (Chapter 340)
- SB 2, mandating health insurance for alcoholism and drug dependency treatment. (To Commerce, Small Business and Consumer Affairs)  
601, Com 1009-1010, 1216
- SB 6-FN-A, to provide 2 additional field staff and additional equipment to the division of air resources for statewide air quality monitoring and making an appropriation therefor. (To Environment and Agriculture)

New title: establishing a joint study committee of the house and senate relative to additional staff and equipment for the division of air resources.

646, am & Approp 898-899, psd 961, 991, S nonconc, conf 1049, rep adop 1096, 1120, enr 1129, appointments 1221 (Chapter 369)

- SB 8, granting counties the authority to acquire and operate public utilities. (To Commerce, Small Business and Consumer Affairs)  
181, ext 851, SO 928-929, K (RC) 974-976
- SB 10-A, permitting state participation in a Clean Water Act State Revolving Loan Fund. (To Resources, Recreation and Development)  
New title: permitting state participation in a Clean Water Act state revolving loan fund and making an appropriation therefor and making an appropriation to the Conway village fire district for its sewage treatment system.  
646, am & Approp 888-889, am 961-962, psd 991, S nonconc, conf 1047, new conf 1068, 1079, rep adop 1112-1114, 1120, enr am 1136-1137, enr 1193, appointments 1221, 1226 (Chapter 341)
- SB 11-A, relative to replacing the Hampton Beach seawall and making an appropriation therefor.  
rules suspended, intro & psd 105, 120, enr 135 (Chapter 3)
- SB 12, relative to the operation of motors on Clarksville Pond in the town of Clarksville. (To Resources, Recreation and Development)  
New title: relative to the operation of motors on Clarksville Pond in the town of Clarksville, the posting of Clarksville Pond, and the reinstatement of the propagation license issued to the Balsams corporation for Lake Gloriette.  
181, am 621, psd 644, S nonconc, conf 850, 871, rep adop 1043-1044, 1061, enr am 1137, enr 1194 (Chapter 390)
- SB 16, allowing the award of attorney fees, court costs, and reimbursement of collection agency fees in actions to collect debts. (To Judiciary)  
181, K 885
- SB 19, relative to the liability of a trapper for an unlicensed dog and the trapper's report of catch. (To Fish and Game)  
181, K 853
- SB 21, relative to administrative inspection warrants. (To Judiciary)  
394, am 885, psd 913, S conc 995, enr am 1076, enr 1118 (Chapter 342)
- SB 24, prohibiting abortions in the third trimester of pregnancy. (To Health and Human Services)  
394, K 859-860
- SB 25, establishing that human life begins at conception. (To Health and Human Services)  
394, K (RC) 860-862
- SB 26, prohibiting homosexuals from adopting, being foster parents, or running day care centers. (To Judiciary)  
New title: prohibiting homosexuals from adopting or being foster parents.  
501, ext 867, am (RC) 1014-1020, psd 1044, S conc 1050, enr 1118 (Chapter 343)
- SB 27-FN, relative to the commemorative rifle or shotgun lottery. (To Fish and Game)

New title: relative to the commemorative rifle or shotgun lottery and the penalty for throwing refuse in and around public waters.  
181, am 947-948, psd 950, S nonconc, conf 999, rep adop 1096-1097, 1120, enr am 1137, enr 1193 (Chapter 344)

- SB 28-FN, relative to naming an unnamed route between state Route 175 and U.S. Route 3, in the towns of Holderness and Plymouth, Route 175-A. (To Transportation)  
181, psd 891, 913, enr 933 (Chapter 125)
- SB 29, relative to the appointment of a caretaker for the "Old Man of the Mountain." (To Resources, Recreation and Development)  
181, am 622, psd 644, S conc 850, enr am 877, enr 934 (Chapter 126)
- SB 31-FN-A, relative to the department of health and human services, and making an appropriation therefor. (To Appropriations)  
137, psd 237, 272, enr 342 (Chapter 6)
- SB 33, relative to the language, phrasing, and explanation of ballot questions.  
S study 1229
- SB 34, relative to the advisory budget control committee and the fiscal committee. (To Legislative Administration)  
New title: relative to the advisory budget control committee and the fiscal committee, the legislative budget assistant, and legislative audit and oversight.  
394, am 1026-1028, psd 1044, S nonconc, conf 1055, 1078, rep adop (RC) 1089-1094, 1120, enr am 1187, enr 1194, appointments 1225 (Chapter 416)
- SB 35, relative to the filing of capital improvement plans by municipalities and the effect of failure to file. (To Municipal and County Government)  
181, psd 662, 674, enr 852 (Chapter 50)
- SB 40-FN-A, relative to catastrophic aid, and making an appropriation therefor. (To Education)  
New title: relative to catastrophic aid.  
848, am & Approp 893-894, am 976-977, psd 991, S conc 1050, enr 1129 (Chapter 345)
- SB 41, relative to unclassified state employees. (To Executive Departments and Administration)  
New title: establishing a task force to study unclassified state employee residency requirements.  
181, SO 983, am 1025-1026, psd 1044, S nonconc, conf 1055, rep adop 1097, 1120, enr 1193, appointments 1221 (Chapter 346)
- SB 42, relative to employees of the sweepstakes commission. (To Regulated Revenues)  
181, am 663, psd 675, S conc 850, enr 868 (Chapter 57)
- SB 43-FN, relative to regional banking. (To Commerce, Small Business and Consumer Affairs)  
500, am (RC) 929-933, psd 950, recon rej (RC) 951-952, S conc 995, enr 992 (Chapter 155)
- SB 48, relative to the appointment of certain town officers. (To Municipal and County Government)  
393, K 662



- SB 50, relative to damages from construction. (To Judiciary)  
394, K 1012
- SB 51, relative to airboats, mufflers, and decibel levels of boats. (To Transportation)  
394, am 908, psd 914, S conc 995, enr am 1087, 1088, enr 1129  
(Chapter 370)
- SB 54, relative to the investments of non-profit health service corporations. (To Commerce, Small Business and Consumer Affairs)  
500, psd 919, 950, enr 958 (Chapter 156)
- SB 56, relative to false impersonation of a law enforcement officer or investigator. (To Judiciary)  
New title: relative to false personation of a law enforcement officer or investigator.  
394, am 886, psd 913, S conc 995, enr 1058 (Chapter 214)
- SB 57, relative to change of name and address of a corporation. (To Constitutional and Statutory Revision)  
394, psd 620-621, 644, enr 673 (Chapter 22)
- SB 58, granting Cheshire Fair security guards the authority to detain persons on Cheshire Fair property. (To Public Protection and Veterans Affairs)  
New title: relative to detention powers of county fair security guards.  
500, am 853-854, psd 868, S conc 872, enr 914 (Chapter 85)
- SB 62, relative to counting absentee ballots in cities and towns which use voting machines. (To Constitutional and Statutory Revision)  
393, am 881, psd 913, S nonconc, conf 998, 1045, rep adop 1097-1098, 1120, enr 1129 (Chapter 371)
- SB 63-FN-A, acquiring land on the Connecticut River and making an appropriation therefor. (To Resources, Recreation and Development)  
848, am & Approp 889-890, psd 962, 991, S conc 1050, enr 1118  
(Chapter 347)
- SB 64, legalizing the New London-Springfield water system precinct meeting of March 18, 1986. (To Municipal and County Government)  
New title: legalizing all votes pertaining to bond or note issues taken at the New London-Springfield water system precinct meeting of March 18, 1986, and relative to the legalization and ratification of actions taken at certain town meetings and relative to the Winchester school district election held March 19, 1987.  
501, rem 960, am & SO 985, am 1023-1025, psd 1044, S nonconc, conf 1055, 1056, rep adop 1062, 1080, enr am 1087, 1089, enr 1129 (Chapter 259)
- SB 65, repealing the authorization for a committee to investigate the confinement of children. (To Children, Youth and Elderly Affairs)  
500, psd 620, 644, enr 673 (Chapter 23)
- SB 66, relative to the office of reimbursements. (To Health and Human Services)  
394, psd 685, 847, enr 869 (Chapter 58)
- SB 67, increasing the local share of hazardous material transportation fund fees allocated to local emergency response programs. (To Environment and Agriculture)  
600, am 920-921, psd 950, S conc 994, enr am 1076, enr 1118 (Chapter 348)

- SB 69, enacting the uniform limited partnership act. (To Commerce, Small Business and Consumer Affairs)  
394, psd 999-1000, 1044, enr am 1086, enr 1192 (Chapter 349)
- SB 70, amending article 8 of the uniform commercial code. (To Commerce, Small Business and Consumer Affairs)  
394, psd 1000, 1044, enr am 1137-1138, enr 1192 (Chapter 350)
- SB 71, adopting the uniform fraudulent transfer act. (To Commerce, Small Business and Consumer Affairs)  
394, psd 1000, 1044, enr 1058 (Chapter 215)
- SB 72, relative to the industrial development authority and industrial development revenue bonds. (To Commerce, Small Business and Consumer Affairs)  
394, am 1000, psd 1044, S conc 1050, enr 1118 (Chapter 351)
- SB 73, to revive the charter of the First Congregational Church of Salem. (To Constitutional and Statutory Revision)  
393, psd 606, 614, enr 615 (Chapter 11)
- SB 74-A, relative to the port authority. (To Transportation)  
646, psd 891, 913, enr 933 (Chapter 145)
- SB 75-A, authorizing the study of the feasibility of reconstructing U.S. Route 1 from the Massachusetts line to Portsmouth, New Hampshire, to increase capacity and safety, and making an appropriation therefor. (To Public Works)  
646, Approp 907, am 962-963, psd 991, S nonconc, conf 1049, rep adop 1098, 1120, enr 1192 (Chapter 352)
- SB 76, relative to records management and archives. (To Executive Departments and Administration)  
394, am 1000-1004, psd 1044, S conc 1050, enr am 1138, enr 1193 (Chapter 353)
- SB 77-FN, enabling certain municipal bodies to participate in the joint promotional advertising program. (To Municipal and County Government)  
393, K 866
- SB 78-FN-A, relative to benefits for a spouse upon the death of a retired group II member. (To Executive Departments and Administration)  
645, am & Approp 899-900, psd 977, 991, S conc 1050, enr 1078 (Chapter 216)
- SB 80, amending the statutory speed limit on certain highways of the state. (To Transportation)  
394, am 949-950, psd 951, S conc 994, enr 1057 (Chapter 217)
- SB 83, relative to distributing political campaign literature at polling places on election day. (To Constitutional and Statutory Revision)  
600, am 892, psd 913, S nonconc, conf 997, rep adop 1098, 1120, enr am 1141, enr 1192 (Chapter 354)
- SB 85-FN, establishing a special environmental court within the Manchester district court. (To Judiciary)  
501, am 1006-1009, psd 1044, S nonconc, conf 1055, IP 1209
- SB 86-FN-A, relative to a memorial for Governor Sherman Adams. (To Resources, Recreation and Development)

New title: relative to a memorial for Governor Sherman Adams and making an appropriation therefor.  
394, am & Approp 686, am 977-978, psd 991, S conc 1050, enr am 1087, 1088-1089, enr 1192 (Chapter 355)

- SB 87, relative to the confidentiality requirement for explosive licenses. (To Public Protection and Veterans Affairs)  
393, rem 604, psd 611, 614, enr 615 (Chapter 20)
- SB 89, relative to electric utility rate increases.  
S study 1229
- SB 90, relative to amusement parks. (To Commerce, Small Business and Consumer Affairs)  
500, rcmt 854-855, am (RC) 942-944, psd 950, S nonconc, conf 1013, 1056, rep adop 1099, 1120, enr am 1187-1188, enr 1194 (Chapter 415)
- SB 91, establishing a committee to evaluate the foundation aid formula. (To Education)  
600, am 944-945, psd 950, S conc 994, enr 1057, appointments 1222 (Chapter 264)
- SB 92, relative to special elections for city and ward officers. (To Constitutional and Statutory Revision)  
394, psd 893, 913, enr 933 (Chapter 127)
- SB 94, providing the legislative budget assistant with access to certain records. (To Legislative Administration)  
600, psd 886, 913, enr am 939, 1188-1190, enr 1194 (Chapter 391)
- SB 95-FN-A, to reimburse the mediator of the Eideweiss-Madison negotiations, and making an appropriation therefor. (To Appropriations)  
393, K 685
- SB 96, relative to local control and regulation of granite quarry operations.  
S study 1229
- SB 97-FN, establishing a study committee relative to the feasibility of one-way tolls on part of the turnpike system. (To Public Works)  
394, psd 907, 914, enr 933, appointments 1222 (Chapter 128)
- SB 98, relative to the certificate of need program.  
S study 1229
- SB 99-FN, establishing a study committee to determine whether the department of transportation has fully implemented the legislative directives of the general court. (To Legislative Administration)  
600, psd 886, 913, enr am 938-939, enr 1038, appointments 1222 (Chapter 211)
- SB 100, relative to exemption from regulation of the design, construction, and alteration of certain small structures. (To State Institutions and Housing)  
394, K 664
- SB 101, relative to political campaign contributions by state employees. (To Executive Departments and Administration)  
601, psd 853, 868, enr 911 (Chapter 119)

- SB 102-FN, establishing a study committee to assess the need for enterprise zones. (To Commerce, Small Business and Consumer Affairs) 393, K 662
- SB 103, relative to motor vehicle license examinations. (To Transportation) 601, psd 891, 913, enr am 939, enr 1038 (Chapter 212)
- SB 105-FN, relative to the central interagency motorpool study committee. (To Transportation) 394, psd 891, 913, enr 934 (Chapter 146)
- SB 106, relative to the responsibilities of the commissioner of safety. (To Executive Departments and Administration)  
New title: relative to the department of safety. 394, rem 960, SO 985, am 1022-1023, psd 1044, S nonconc, conf 1056, rep adop 1099, 1120, enr am 1138-1139, enr 1193 (Chapter 356)
- SB 107-FN-A, relative to the New Hampshire state airport system plan and making an appropriation therefor. (To Transportation) 601, Approp 892, psd 963, 991, enr am 1077, enr 1129 (Chapter 357)
- SB 108, relative to immunity in criminal cases. (To Judiciary) 501, K 924
- SB 109, expanding the prohibition on possession of dangerous weapons by felons. (To Judiciary) 501, am 948-949, psd 951, S conc 995, enr 1058, S sustained veto 1208
- SB 110, requiring the publication of certain opinions of the attorney general.  
S study 1229
- SB 111, relative to electing zoning board of adjustment members. (To Municipal and County Government) 601, K 904
- SB 112-A, making an appropriation to the department of safety for certain capital improvements. (To Public Works) 646, Approp 887, K 963
- SB 113, relative to legal services.  
S study 1229
- SB 115, relative to marriage. (To Judiciary) 501, psd 924, 950, enr am 1034, enr 1077 (Chapter 218)
- SB 117, relative to the payment of employee wages.  
S study 1229
- SB 120, granting immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities.  
S study 1230
- SB 121-FN-A, authorizing the attorney general to undertake proceedings on behalf of resident taxpayers of this state regarding certain taxes imposed by the state of Maine. (To Judiciary) 646, psd 924, 950, remarks 954, enr 958 (Chapter 157)

- SB 123, amending ward lines for the city of Portsmouth. (To Constitutional and Statutory Revision)  
394, psd 662, 674, enr am 851-852, enr 911 (Chapter 86)
- SB 124-FN, prohibiting abortions performed on certain minors without parental consent. (To Health and Human Services)  
501, K (RC) 862-864
- SB 125-FN, to appropriate funds for ocean disposal of Rye Harbor dredge material. (To Appropriations)  
New title: increasing an appropriation for coastal projects.  
646, am 963-964, psd 991, S nonconc, conf 1048, 1057, rep adop 1062-1064, 1080, enr am 1139, enr 1193 (Chapter 358)
- SB 127, regulating abortions. (To Health and Human Services)  
501, LT (RC) 864-865, IP 1208
- SB 128-A, authorizing the construction of a Keene bypass extension and making an appropriation therefor. (To Public Works)  
646, Approp 907, psd 964, 991, enr 1118 (Chapter 359)
- SB 129, relative to the establishment of inclusionary zoning.  
S study 1230
- SB 130, relative to the trust fund for the prevention of child abuse and neglect, and making an appropriation therefor. (To Children, Youth and Elderly Affairs)  
394, Approp 842, am 978-980, psd 992, S nonconc, conf 1049, nonconc rep, new conf 1064-1065, 1075, rep rej 1099-1100, rep adop 1110, 1120, enr am 1141, enr 1192 (Chapter 372)
- SB 132, relative to the appointment of the executive director of the department of fish and game. (To Fish and Game)  
600, Com 885, 1216
- SB 133-FN, relative to immunizing children. (To Health and Human Services)  
501, am 685, psd 847, S conc 872, enr am 935, enr 1038 (Chapter 193)
- SB 134-FN-A, to commission a study of an environmental risk insurance fund and making an appropriation therefor. (To Commerce, Small Business and Consumer Affairs)  
645, am & Approp 879-881, am 964-965, psd 991, S nonconc, conf 1048-1049, rep adop 1100-1101, 1120, enr 1193, appointments 1222 (Chapter 360)
- SB 135, relative to limiting damages recoverable for non-economic loss.  
S study 1230
- SB 136, relative to joint and several liability. (To Judiciary)  
501, LT (RC) 1020-1022, Study 1209, 1230
- SB 137, relative to voting in state and presidential primary elections. (To Constitutional and Statutory Revision)  
600, psd 881, 913, enr 934 (Chapter 129)
- SB 138, relative to sessions for correcting the checklist. (To Constitutional and Statutory Revision)  
600, am 881-882, psd 913, S conc 994, enr 1058 (Chapter 219)

- SB 139, relative to election law dates. (To Constitutional and Statutory Revision)  
600, am 882-883, psd 913, S nonconc, conf 998, rep adop 1101-1102, 1120, enr 1129 (Chapter 299)
- SB 141, naming the interstate bridge between New Hampshire and Maine the Sarah Mildred Long Bridge. (To Public Works)  
501, psd 663, 674, enr 852 (Chapter 51)
- SB 142-FN-A, increasing rates for shared homes and for certain residents of community living homes and making an appropriation therefor. (To Health and Human Services)  
646, am & Approp 900-901, K 965
- SB 143-FN, reestablishing an advisory committee on state economic development and local population growth. (To Resources, Recreation and Development)  
600, psd 664, 675, enr 852, appointments 1223 (Chapter 52)
- SB 144-FN, establishing a joint promotional program for economic development and making an appropriation therefor. (To Commerce, Small Business and Consumer Affairs)  
600, K 892
- SB 145-FN, relative to study of the state classification system and making an appropriation therefor and directing the facilities committee to conduct a study of salaries for unclassified state employees and making an appropriation therefor. (To Executive Departments and Administration)  
New title: relative to study of the state classification system and directing the personnel system task force to conduct a study of salaries for unclassified state employees and judicial branch employees and making an appropriation therefor.  
646, Approp 884, am 965-967, psd 991, S conc 1050, enr 1078 (Chapter 265)
- SB 147, relative to surety bonds. (To Municipal and County Government)  
601, Com 842, 1216
- SB 148, relative to procedures for distribution of certain federal funds allocated to the state. (To Executive Departments and Administration)  
395, Approp 853, psd 980, 992, enr 1128 (Chapter 373)
- SB 149, to prohibit regulations which exclude a municipality's fair share of multi-family housing. (To Municipal and County Government)  
501, am 904-906, psd 914, S nonconc 994
- SB 150, relative to safety improvements to the Spaulding turnpike and making an appropriation therefor.  
S study 1230
- SB 151-A, relative to traffic improvements at the intersection of New Hampshire routes 9 and 155 and making an appropriation therefor. (To Public Works)  
646, K 907
- SB 152, to modify the subdivision approval process.  
S study 1230
- SB 153-A, relative to planning for the long-range energy requirements of the state. (To Science, Technology and Energy)



New title: relative to planning for the long range electrical energy requirements of the state.  
600, am 983-985, psd 992, S conc 1050, enr 1129, appointments 1223  
(Chapter 374)

- SB 154, relative to a second bridge across the Nashua River in the city of Nashua and making an appropriation therefor.  
S study 1230
- SB 155-FN, relative to the collection of tolls on an incomplete turnpike highway system. (To Public Works)  
New title: relative to the toll barrier north of the Massachusetts state line on the central turnpike, southbound.  
601, am 887-888, psd 913, S conc 995, enr am 1075, enr 1118 (Chapter 361)
- SB 157, relative to the relocation of toll booths or widening of access traffic arteries that are determined to be a major bottleneck to the motoring public. (To Public Works)  
601, K 908
- SB 158, relative to limitations of prosecutions of sexual assault offenses. (To Judiciary)  
501, psd 886, 913, enr 958 (Chapter 158)
- SB 159, relative to the regulation of gasoline franchises. (To Commerce, Small Business and Consumer Affairs)  
394, K 855
- SB 161-FN, relative to state annuity benefits for group II members of the New Hampshire retirement system and making an appropriation therefor. (To Executive Departments and Administration)  
645, rules suspended 939, am & Approp 945, psd 967, 991, S nonconc, conf 1048, 1057, rep adop 1102, 1120, enr 1129 (Chapter 362)
- SB 162, establishing the New Hampshire ski area commission.  
S study 1230
- SB 164, relative to solid waste management contracts.  
S study 1230
- SB 166-FN, abolishing the sunset review process. (To Legislative Administration)  
394, K 886
- SB 170-FN, relative to licensure of mental health professionals. (To Executive Departments and Administration)  
601, Com 853, 1216
- SB 172-FN, regulating the taking of certain wildflowers and plants in New Hampshire. (To Environment and Agriculture)  
501, am 852, psd 868, S conc 872, enr am 1035, enr 1058 (Chapter 220)
- SB 173, relative to disclosure of motor vehicle defects. (To Commerce, Small Business and Consumer Affairs)  
393, psd 919, 950, enr 958 (Chapter 159)
- SB 174-FN, establishing a committee to study retirement system benefits. (To Executive Departments and Administration)  
848, Approp 884-885, am 967, psd 991, S nonconc, conf 1048, 1056, rep adop 1102-1103, 1120, enr 1129, appointments 1223 (Chapter 375)

- SB 175-FN, providing a cost of living increase for New Hampshire retirement system and teachers' retirement system members. (To Executive Departments and Administration)  
New title: providing allowance increases to retired members and beneficiaries of the New Hampshire retirement system and predecessor systems.  
646, am & Approp 921-923, rules suspended 939, psd 967, 991, S conc 1050, enr 1129 (Chapter 363)
- SB 176-FN-A, changing financial disclosure requirements. (To Legislative Administration)  
501, am 1028-1031, psd 1044, S nonconc, conf 1055, 1056, rep adop 1103, 1120, enr 1129 (Chapter 298)
- SB 177, relative to campaign financing.  
S study 1230
- SB 178, permitting the president of the New Hampshire Education Association to be eligible to participate in the New Hampshire retirement system. (To Executive Departments and Administration)  
New title: permitting certain non governmental entities to be eligible to participate in the New Hampshire retirement system.  
501, am 946-947, psd 950, S nonconc, conf 999, 1059, rep adop 1065, 1080, enr am 1139, enr 1193 (Chapter 376)
- SB 180-FN-A, relative to restoring the original state house and making an appropriation therefor. (To Public Works)  
New title: relative to restoring the original state house and making an appropriation therefor and relative to the legislative office building and making an appropriation therefor.  
645, Approp 888, am 967-968, psd 991, S nonconc, conf 1048, rep adop 1103, 1120, enr am 1139, enr 1193 (Chapter 364)
- SB 183-FN, relative to coverage for mental or nervous conditions. (To Commerce, Small Business and Consumer Affairs)  
601, am 1010-1012, psd 1044, S nonconc, conf 1055, 1056, 1059, rep adop 1103, 1120, enr 1130, S sustained veto 1208
- SB 186-FN, establishing a current use assessment study committee. (To Environment and Agriculture)  
601, K 852
- SB 187-FN-A, relative to the Weeks traffic circle. (To Public Works)  
646, Approp 908, psd 968, 991, enr 1058 (Chapter 266)
- SB 190-FN, relative to financial disclosure by appointed officials. (To Legislative Administration)  
601, K 887
- SB 192-FN, relative to the membership of the legislative fiscal committee and the legislative budget assistant and making an appropriation therefor. (To Legislative Administration)  
646, am 1031-1034, psd 1044, S nonconc, conf 1055, IP 1209
- SB 193, reinstating the charter of United Energy Systems, Inc. (To Constitutional and Statutory Revision)  
New title: reinstating certain corporate charters.  
394, am 883-884, psd 913, S conc 995, enr 1057 (Chapter 221)
- SB 194, relative to carrying pistols and revolvers without a license.  
S study 1230

- SB 195-FN, relative to nonprofit housing projects and the Senior Citizens Housing Development Corporation of Claremont, Inc. (To State Institutions and Housing)  
601, psd 854, 868, enr am 935, enr 1038 (Chapter 194)
- SB 196-FN-A, relative to health hazards in the home and making an appropriation therefor. (To Health and Human Services)  
645, rem 879, Approp 910, K 968
- SB 197-FN, relative to alarm installers. (To Executive Departments and Administration)  
New title: establishing a joint legislative task force to study registration, certification, or licensing of various building services trades.  
394, am 1005, psd 1044, S nonconc, conf 1056, rep adop 1104, 1120, enr 1194, appointments 1224 (Chapter 392)
- SB 199-FN, relative to branch banking. (To Commerce, Small Business and Consumer Affairs)  
501, psd 1000, 1044, enr 1118 (Chapter 365)
- SB 200-FN, permitting group II state employee members who reach age 60 to make an election for retirement benefits. (To Executive Departments and Administration)  
New title: permitting group II members who reach age 60 and age 65 to make an election for retirement benefits.  
645, am & Approp 923-924, rules suspended 939, psd 969, 991, S nonconc, conf 1048, rep adop 1104, 1120, enr am 1184-1185, enr 1194 (Chapter 394)
- SB 201-FN, relative to boat speeds on public waters and making an appropriation therefor. (To Transportation)  
645, Approp (RC) 908-910, recon & LT (RC) 940-942, (RC) 986-987, IP 1208
- SB 202-FN, relative to the state treasurer and the secretary of state. (To Executive Departments and Administration)  
645, K 924
- SB 205, transferring the administrative authority for bingo. (To Regulated Revenues)  
395, K 670
- SB 207-FN, relative to the funding of catastrophic illness from taxes on tobacco products. (To Ways and Means)  
395, K 910
- SB 208, adopting uniform commercial code article 2A - leases. (To Commerce, Small Business and Consumer Affairs)  
600, Com 1012, 1216
- SB 209-FN, relative to implementing national standards for specific information signs. (To Transportation)  
601, K 950
- SB 210, relative to minimum education standards for elementary and secondary schools.  
S study 1230
- SB 211-FN, relative to a license fee for clean-up of gasoline and oil underground storage tank leaks and spills and creating a study

- committee. (To Resources, Recreation and Development)  
600, am 925-928, psd 950, S nonconc, conf 1034, rep adop 1104-1108,  
1120, enr 1192, appointments 1224 (Chapter 377)
- SB 212-FN-A, increasing financial aid to certain municipalities for  
water treatment projects and making an appropriation therefor. (To  
Resources, Recreation and Development)  
646, am & Approp 890-891, am 980, psd 992, S nonconc, conf 1049,  
1059, rep adop (RC) 1110-1112, 1120, enr 1194 (Chapter 395)
- SB 213, relative to utility relocation assistance.  
S study 1230
- SB 214, relative to the allocation of the state's tax-exempt private  
activity bond limit. (To Commerce, Small Business and Consumer  
Affairs)  
394, psd 662, 674, enr am 851, enr 911 (Chapter 120)
- SB 217-FN, relative to school administrative units. (To Education)  
600, psd 920, 950, enr 958 (Chapter 161)
- SB 218, relative to clean indoor air in restaurants. (To Health and  
Human Services)  
393, psd 865-866, 868, enr 911 (Chapter 87)
- SB 219-FN-A, relative to a state operated multiple DWI offender minimum  
security detention center and making an appropriation therefor. (To  
Judiciary)  
New title: relative to a state operated multiple DWI offender  
intervention detention center and making an appropriation therefor  
and relative to driving after revocation or suspension.  
646, am & Approp 901-903, am 981-983, psd 992, S nonconc, conf 1048,  
1056, rep adop 1108-1109, 1120, enr am 1185, enr 1194 (Chapter 396)
- SB 220-FN, relative to redemption after a tax sale. (To Municipal and  
County Government)  
645, am 887, psd 913, S conc 995, enr am 1075-1076, enr 1118 (Chapter  
366)
- SB 221-FN, relative to the due date for the meals and rooms tax return.  
(To Ways and Means)  
395, psd 892, 913, enr 958 (Chapter 160)
- SB 222-FN, relative to increased independence of the public utilities  
commission consumer advocate. (To Commerce, Small Business and  
Consumer Affairs)  
601, K 1012
- SB 223-FN, authorizing a New Hampshire technical institute security  
force. (To Public Protection and Veterans Affairs)  
600, psd 662-663, 674, enr 852 (Chapter 53)
- SB 224-FN, relative to licensing estheticians. (To Executive  
Departments and Administration)  
600, Com 1005, 1216
- SB 228-FN, relative to disobeying a law enforcement officer. (To  
Transportation)  
501, am 928, psd 950, S conc 995, enr 1058 (Chapter 222)

- SB 229-FN, relative to health clubs. (To Commerce, Small Business and Consumer Affairs)  
601, am 919-920, psd 950, S nonconc, conf 1014, 1059, rep adop  
1109-1110, 1120, enr am 1185, enr 1194 (Chapter 397)
- SB 230-FN, reinstating the position of sealer of weights and measures in Nashua. (To Environment and Agriculture)  
501, psd 606, 614, enr 615 (Chapter 12)
- SB 231-FN, relative to manufactured housing zoning. (To Municipal and County Government)  
600, am 906-907, psd 914, S nonconc, conf 1048, 1056, rep adop (RC)  
1066-1067, 1080, enr am 1139-1140, enr 1193 (Chapter 378)
- SB 232-FN, relative to the board of barbering and cosmetology. (To Executive Departments and Administration)  
New title: relative to regulation of off-premises delivery of barbering and cosmetology services.  
394, am 1005-1006, psd 1044, S nonconc, conf 1055, rep adop 1110, 1120, enr 1193 (Chapter 367)
- SB 233-FN, relative to capital budget requests for airports in the state. (To Public Works)  
394, am 888, psd 913, S nonconc, conf 999, rep adop 1050-1051, 1061, enr 1129 (Chapter 368)
- SB 234-FN, authorizing the commissioner of health and human services to transfer authority for operation of medical assistance programs. (To Health and Human Services)  
393, am 685-686, psd 847, S conc 872, enr 914 (Chapter 88)
- SB 235-FN, relative to municipal and county bonds. (To Municipal and County Government)  
501, psd 621, 644, enr am 672-673, enr 868 (Chapter 54)
- SB 236, relative to the chief medical examiner and associate chief medical examiner.  
S study 1230
- SB 237-FN, relative to the controlled drug act. (To Judiciary)  
600, Com 949, 1216
- SB 238-FN, relative to bail reform. (To Judiciary)  
601, Com 924-925, 1216
- SB 239-FN, relative to electronic privacy. (To Judiciary)  
601, Com 949, 1216

## SENATE JOINT RESOLUTIONS

- SJR 1, against communist tyranny. (To State-Federal Relations)  
501, rem 678, K (RC) 843-844

## SENATE CONCURRENT RESOLUTIONS

- SCR 1, commemorating the Melvin Village Community Church in Tuftonboro. (To Constitutional and Statutory Revision)  
181, adop 611, 615

SCR 2, applying to the Congress of the United States to call a convention to propose an amendment to protect the lives of the unborn. (To Health and Human Services)  
395, K 866

CONCURRENT RESOLUTIONS PROPOSING CONSTITUTIONAL AMENDMENTS

CACR 1, relating to qualifications of senators. Providing that the residency requirement shall be 4 years. (Bennett of Graf. 9 - To Constitutional and Statutory Revision)  
33, K 126

CACR 2, relating to the term of the governor. Providing that the term shall be 4 years. (Hawkins of Bel. 5; Densmore of Graf. 3 - To Constitutional and Statutory Revision)  
33, adop (RC) 126-128, 136, S nonconc 1049

CACR 3, relating to the adjournment of the house of representatives and the senate. Providing that neither branch of the legislature may adjourn itself for more than 3 days during any regular or special session without the consent of the other. (Chase of Car. 6 - To Legislative Administration)  
33, com changed 75, K 423

CACR 4, relating to the amount in controversy required for a jury trial. Providing that the amount be determined by statute. (Palumbo of Rock. 10; Phelps of Mer. 1 - To Constitutional and Statutory Revision)  
New title: relating to the amount in controversy required for a jury trial. Providing that the amount shall exceed \$1,500.  
33, rcmt 148, am (RC) 313-316, adop 344, S conc 849, enr 868

CACR 5, relating to guns in courtrooms. Providing that law enforcement officers on duty may wear their weapons in state courtrooms. (Gordon of Mer. 7 - To Constitutional and Statutory Revision)  
33, K(RC) 128-130

CACR 6, relating to a unicameral legislature. Providing that the legislature be a unicameral body called "the House of Delegates." (Robinson of Str. 4 - To Constitutional and Statutory Revision)  
52, K 148

CACR 7, relating to the composition and compensation of the general court. Providing that there be a unicameral legislature of 80 members and each member's salary shall be \$12,000. (Bennett of Graf. 9 - To Constitutional and Statutory Revision)  
52, Com 193-194, 1216

CACR 8, relating to acts and resolves of the general court. Providing that no act or resolve shall embrace more than a single subject matter or address any activities not directly associated with or related to that single subject matter. (McCain of Rock. 11 - To Constitutional and Statutory Revision)  
52, K 148

CACR 9, relating to limiting sweepstakes funds to educational purposes. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. (Hawkins of Bel. 5 - To Constitutional and Statutory Revision)  
53, Com 148-149, 1216



- CACR 14, relating to gender-specific language. Providing that all gender-specific terminology be removed from the constitution. (Cushing of Rock. 14; McGovern of Rock. 27 - To Constitutional and Statutory Revision)  
72, K 423
- CACR 15, relating to a reapportionment commission and the size of the house and senate. Providing that there be a 10-member reapportionment commission which shall establish single member districts for the house and senate, congressional districts, and executive councilor districts; and that the house range in size from 200 to 400 members and the senate from 24 to 48 members. (Hall of Hil. 16 - To Constitutional and Statutory Revision)  
73, Com 316, 1216
- CACR 16, relating to the rules, practices, and procedures of the supreme court. Providing that statutory law prevail against conflicting supreme court enactments. (Gordon of Mer. 7; Pierce of Ches. 17 - To Constitutional and Statutory Revision)  
73, K 424
- CACR 17, relating to indirect initiative petition. Providing that statutes may be proposed by citizen petition to the general court. (Hall of Hil. 16 - To Constitutional and Statutory Revision)  
104, K 424
- CACR 18, relating to compensation of the legislature. Providing that any member of the legislature may be provided health insurance. (Weddle of Rock. 24; Ingram of Sul. 4 - To Constitutional and Statutory Revision)  
104, K 424
- CACR 19, relating to disbursements from the state treasury. Providing that biennial budget expenditures shall not increase over the preceding biennial budget expenditures by more than an amount to be established by the state treasurer. (Granger of Hil. 13 - To Constitutional and Statutory Revision)  
104, K 372
- CACR 21, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court.  
601, am 903-904, adop 914, S conc 994, enr 1058

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